United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, NOVEMBER 17, 2010 *No. 150*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands.

Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they strive to please You with faithful service. Lord, rule their hearts without a rival, guiding their thoughts, words, and works. Take possession of their hearts and order their steps by the power of Your loving providence.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion on the motion to proceed to S. 3815, the Natural Gas and Electric Vehicles Act, be withdrawn and that at 11 a.m. the Senate then resume the motion to proceed to S. 3772 and immediately vote on the motion to invoke cloture on the motion to proceed; further, that the Senate recess from 12:30 to 4 p.m. today and that if cloture is invoked this morning, then postcloture time continue to run during any recess or adjournment of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to Senator HATCH and Senator MENENDEZ, who are the main sponsors of this legislation. It is extremely important legislation. We are going to continue to work to get this done. This is a bipartisan bill. There is some dispute as to what the pay-fors should be, but it is something we should be able to work out, and hopefully we can do it before the end of this year. Whether we can do that depends a lot on the schedule, but it is one of the most important things we can do. It is job creating, great for the environment, and great for the security of this Nation.

Following any leader remarks, the Senate will turn to a period of morning business until 11 a.m. this morning, with the time until 11 equally divided and controlled between the two leaders or their designees. At 11 a.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3772, the Paycheck Fairness Act. If cloture is not invoked, the Senate will immediately proceed to vote on the motion to invoke cloture on the motion to proceed to S. 510, the FDA Food Safety and Modernization Act. As a result of the order that was just entered, the Senate will recess from 12:30 until 4 p.m. today.

FOOD SAFETY ACT

Mr. REID. Mr. President, I am not going to give a long speech on food safety. I will say, however, how important it is.

I read a column today where someone kind of minimized the importance of this and why should the Senate be working on this issue. I would invite them to meet a number of people in Nevada who had near-death experiences as a result of eating tainted food. That is what this legislation is all about. It is something we should have done before. It is a real shame that we have not been able to. I hope we can get this done before we leave here this year. I cannot get out of my mind the little girl who was so sick from eating spinach that was tainted. She has been hurt so badly for the rest of her life. She was held back in school. Her body is not what it should be. Her growth has been stunted. So anyone who minimizes the importance of this legislation does not understand how sick these people get and how often they die as a result of food poisonings.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

will now be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Senator from Iowa, Mr. HARKIN, controlling 15 minutes; the Senator from Connecticut, Mr. DODD, controlling 15 minutes; and the Senator from Maryland, Ms. MIKULSKI, controlling 5 minutes of the majority's time.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RUSSIA AND THE NEW START TREATY

Mr. VOINOVICH. Mr. President, I rise today to discuss the challenges America faces in our relationship with Russia and their implications on the Senate's consideration of the new Strategic Arms Reduction Treaty, known as START.

A number of my colleagues on both sides of the aisle have spoken about the treaty's impact on global nuclear nonproliferation. I would like to use my remarks today to highlight my concerns about the treaty in the broader context of: one, the Obama administration's ''Reset Policy'' towards Russia; and two, the new START treaty's impact on our allies in Eastern Europe and the Baltic states. I believe these concerns must be addressed by the administration before I can determine my support for the treaty.

Over the last decade I have been an ardent champion of NATO and have worked diligently to increase membership in the alliance. I have also been active in improving our public diplomacy in Eastern Europe through our expansion of the Visa Waiver Program at the request of our friends and allies in Central and Eastern Europe. That legislation which the President signed on Visa Waiver was supported by both our State Department and by our Department of Homeland Security.

In my remaining time in the Senate, I will continue to work to strengthen the Visa Waiver Program which has improved our image in the world and strengthened our borders through shared best practices and enhanced intelligence sharing with our partners and allies abroad.

My passion for foreign relations stems in large part from my upbringing as the grandson of Southeast European immigrants. As an undergraduate at Ohio University, my first research paper examined how the United States sold out Central and Eastern Europe and the former Yugoslavia to the Soviets at the Yalta and Tehran conferences in 1943 and 1945. These states would become the ''Captive Nations'' suffering under the specter of Soviet domination, brutality, and oppression for nearly 50 years.

As a public official in Ohio, I remained a strong supporter of the Captive Nations. During my tenure as mayor of Cleveland, I joined my brothers and sisters in the Eastern European Diaspora to celebrate the independence days of the Captive Nations at City Hall. We flew their flags, sang their songs, and prayed that one day the people in those countries would know freedom.

We saw the Berlin Wall fall and the Iron Curtain torn in half thanks large in part to the leadership of Pope John Paul II, President Reagan, and President George H.W. Bush. But even with the end of the Cold War, I remain deeply concerned that darker forces in Russia are reemerging as a threat to democracy, human rights, and religious freedom, not just for the Russian people but for the citizens of the newly freed Captive Nations.

This concern in 1998 during my tenure as Governor of Ohio and Chair of the National Governor's Association prompted me to pursue an all-50 State resolution supporting NATO membership for the Czech Republic, Hungary, and Poland.

When I think about the importance of NATO and our commitment to the Captive Nations, I am inspired by President George W. Bush's speech on NATO expansion in Warsaw on June 15, 2001. President Bush stated: ''We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.'' There was concern at that time because of the debate with Russia that we would back off and not support further expansion of NATO.

I worked diligently from my first day as a member of the Senate in 1999 to extend NATO membership to my brothers and sisters in the former Captive Nations. I knew NATO membership would provide these fledgling democracies safe harbor from the possible threat of new Russian expansionism. But I also knew the process of NATO expansion would enhance much more than security in Europe.

As I noted in a speech on the Senate floor on May 21, 2002, ''While NATO is a collective security organization, formed to defend freedom and democracy in Europe, we cannot forget that common values form the foundation of the alliance.'' In other words, the foundation of the Alliance is based on common values.

Democracy, the rule of law, minority rights, these are among the values that form the hallmark of the NATO alliance.

One of my proudest moments as a Senator was when I joined President Bush, Secretary of State Colin Powell, Secretary of Defense Rumsfeld, and Chairman of the Joint Chiefs of Staff GEN Richard Myers at the NATO Summit in Prague on November 21, 2002, when NATO Secretary General Lord Robertson officially announced the decision to invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to become part of the Alliance. This was truly one of the most thrilling days of my tenure as a Senator.

Later that day, my wife Janet and I were happy to attend a dinner in honor of Czech President Vaclav Havel at the Prague Castle. Following that dinner, at 1:30 a.m. Prague time, I placed a call to Cleveland to talk with my brothers and sisters at home with ties to these NATO aspirant countries. They had gathered in the Lithuanian Hall at Our Lady of Perpetual Help to celebrate that day's historic events, and this was truly a capstone to years of effort.

It is because of my long history and work with the Captive Nations that I continue to worry about the uncertainties of our future relationship with Russia. I have traveled to 19 countries during my 21 trips to the region as a Senator. Presidents, prime ministers, and foreign ministers in Eastern Europe have told me time and time again it is comforting for them to know their relationship with NATO and the United States serves as a vital hedge against the threat of a future potentially expansionist Russia.

Yet now there is much talk from this administration about resetting the U.S. bilateral relationship with Russia. Moscow seeks to regain its global stature and be respected as a peer in the international community. I do not blame them.

President Obama's May 2010 National Security Strategy states: ''We seek to build a stable, substantive, multidimensional relationship with Russia, based on mutual interests. The United States has an interest in a strong, peaceful, and prosperous Russia that respects international norms.'' I agree with the administration. There is nothing inherently wrong with this approach.

There are indeed key areas where the United States and Russia share common cause and concern:

1. Russia is a permanent member of the U.N. Security Council and will continue to be essential towards any effective multilateral pressure on Iran to give up its nuclear program.

2. Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean peninsula is in the interest of both our nations.

Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean Peninsula is in the interest of both our nations.

No. 3, we are partners in the International Space Station, relying on the Russians. Until the August 2008 invasion of Georgia, our government and U.S. industry were working hard on a nuclear cooperation agreement with

Russia similar to the one we entered into with India. In fact, I worked on that with Senator LUGAR. I thought that was a good idea. With the world economy as it is today, the worst thing we can do is break off communication and revert back to our Cold War positions. President Obama's trip to Moscow last year and President Medvedev's reciprocal trip to Washington in June were opportunities to further engage Russia and determine where we have a symbiotic relationship and what we can accomplish together for the good of the international community.

However, I believe our reset policy with Russia should not establish a relationship with Moscow at the expense of the former Captive Nations. We simply do not know how our relationship with Russia will transpire during the years to come. Will Russia fully embrace a democratic government, free markets, and the rule of law or will Russia seek to reestablish its influence over the former Soviet Union whose collapse then-President and now-Prime Minister Vladimir Putin described in 2005 as ''the greatest geopolitical catastrophe'' of the 20th century? This is what Putin had to say about the dissolution of the Soviet Union, a pretty striking comment coming from the former President and now Prime Minister.

This brings us to the topic of the new START treaty, which the Senate may consider in the coming weeks. America's grand strategy toward Russia must be realistic. It must be agile. As I have said, it must take into account the interests of our NATO allies. I am deeply concerned the new START treaty may once again undermine the confidence of our friends and allies in Central and Eastern Europe. Let me be absolutely clear: I do not ideologically oppose the administration's nonproliferation agenda. The President's stated goal of a world without nuclear weapons is noble, but I believe the Senate's consideration of the new START treaty must be considered through a wider lens that includes the treaty's implications for our friends and allies in the former captive nations.

Let's talk about what is going on right now. First, I am concerned about the uncertainties surrounding a Russia that could revert back to a country seeking to expand its influence on the Baltic States and Eastern Europe. President Medvedev's February 2010 National Military Doctrine of the Russian Federation, released 2 months before the conclusion of the new START treaty in April of this year, explicitly labels NATO expansion as a national threat to Russia's existence and reaffirms Russia's right to use nuclear weapons if the country's existence is threatened. I am sure such statements, combined with Russia's 2008 invasion of Georgia, send shivers down the spines of our brothers and sisters in Central and Eastern Europe, even if they don't say so publicly.

The concerns of our captive nation brothers and sisters regarding Russia are not abstract. They are rooted in blood and tears and in a history of abandonment. My hometown of Cleveland, OH, was once the city with the world's second largest population of Hungarians after Budapest. I remember vividly the stories my Hungarian brothers and sisters told me about the Hungarian revolution of 1956. Encouraged by the implicit promise of intervention from the United States and the United Nations, hundreds of thousands of Hungarians protested against the People's Republic of Hungary in support of economic reform and an end to political oppression. Those protests spread throughout Hungary. The government was overthrown. But Moscow sought to maintain its control over the captive nations, took advantage of America's inaction on the rebellion, invaded Hungary, crushed the revolution and established a new authoritative government. Over 2,500 Hungarians were killed in the conflict, and 200,000 Hungarians fled as refugees to the West. Hungary would suffer under the oppression of the Soviet Union for nearly another half century. Of course, there was a similar episode in Czechoslovakia during the Prague spring of 1968.

The former captive nations have accomplished so much as free market democracies and members of the NATO alliance. Our friends and allies must have absolute confidence negotiations toward the new START treaty did not include side agreements or informal understandings regarding any Russian sphere of influence in those Captive Nations. Moreover, I remain deeply concerned, even in the absence of agreements of understanding, that the former Captive Nations may once again wonder: Will the West abandon us again? Will agreement with Russia once again be placed above the interests and concern of our allies? Will we forget what happened after Yalta and Tehran? We cannot let this happen again.

Second, the former Captive Nations are also closely watching Russia's military activities. Last September—and nobody made a big deal out of it—Russia undertook Operation West, a military exercise involving 13,000 troops simulating an air, sea, and nuclear attack on Poland. Not much said about it. These war games, which took place during the 70th anniversary of Polish independence, were the largest Russian military exercises since the end of the Cold War. If we look at the Russian military's recent activity, one cannot help but understand our allies' concern Moscow may be reverting to the past. I hope President Obama will meet with leaders from the former Captive Nations this weekend during the NATO summit in Lisbon. The President should provide these leaders public reassurance that the United States remains committed to article 5 of the North Atlantic Treaty, which states that an attack on any member of NATO shall be considered to be an attack on all.

One of the best ways to alleviate the anxiety about the Russian military amongst our Captive Nation allies is for this administration to pursue negotiations with Russia toward its compliance with the Treaty on Conventional Armed Forces in Europe, the CFE. The Senate's potential consideration of a new START cannot be disconnected from Russia's prior track record on treaty compliance. Russia decided in 2007 to suspend its compliance with the CFE treaty, a treaty signed by 22 countries that placed balanced limits on the deployment of troops and conventional weapons in Europe. This unilateral decision by Moscow should serve as a reminder to Senate colleagues about Moscow's commitments to its international obligations. Russia's compliance with the CFE treaty is essential to sustained security and stability in Central and Eastern Europe. Again, complying with it would send a very great signal to the people worried about Russia's direction.

Our friends in Central and Eastern Europe are worried about the uncertainty surrounding a Russia that appears at times to be reverting back to an authoritative state seeking to weaponize its oil and natural gas resources as a means to expand its influence on Europe and the West. Russia has the largest reserves of natural gas and the eighth largest oil reserves. Moscow turned off the tap to Europe in the recent past. They could do it again. We should also be concerned about Moscow using its control of oil and natural gas to pit members of NATO against each other. I know when I was at the German Marshall Fund Brussels forum this year and last, I spoke with our friends in the EU and encouraged them that rather than unilaterally negotiating with Russia in terms of natural gas, they should all come together and negotiate as a team so they wouldn't be pit against the other. Unfortunately, most of them ignored that.

Finally, I am deeply troubled that the Obama administration has decoupled Russia's human rights record from America's bilateral relationship with Russia. The United States and Russia are both signatories of the 1975 Helsinki Declaration, which clearly states that:

> Participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

In recent years, we have seen anything but a respect for human rights in Russia. Prime Minister Putin stated during a recent interview with the Kommersant newspaper that prodemocracy demonstrators in Russia assembling without prior permission ''will be hit on the head with batons. That's all there is to it.''

The actions of the Russian Government speak louder than words. We have seen protests canceled, newspapers closed, activists detained and abused.

Yet we have seen little effort by this administration to engage in a sustained dialog with Moscow on its human rights record and commitments under the Helsinki Declaration. We did more about human rights violations 20 years ago in Russia than we are doing today. It is like we have tape over our mouth.

As David Kramer of the German Marshall Fund of the United States notes in a Washington Post opinion on September 20:

The human rights situation in Russia is bad and likely to get more worse as [Russia's] March 2012 presidential election nears. Those in power will do anything to stay in power . . . Enough already with U.S. expressions of ''regret'' about the deteriorating situation inside Russia—it's time to call it like it is: Condemn what's happening there and consider consequences for continued human rights abuses.

I believe the Obama administration's inaction and reluctance to confront Russia on its human rights record sends a dangerous signal to Moscow that there are little or no consequences for bad behavior. At a minimum, such coddling of bad behavior by the West only serves to embolden Moscow as to our resolve to hold Russia to account on its international obligations, a distressing thought as we consider the new START in the Senate.

I have fought all my life to secure freedom for my brothers and sisters in Central and Eastern Europe and the former Yugoslavia. Once they received their freedom, I championed—and continue to champion—their membership in NATO and the EU. I am working with Senator SHAHEEN right now in the former Yugoslavia to see how many of those countries we can get into the European Union and how many we can get into the NATO alliance. I will be darned, at this stage in my life, to do anything that would jeopardize their security and economic prosperity. I have seen too many opportunities for the region slip away during my lifetime. I will not let it happen again.

Political expediency should never be an excuse to rush to judgment on public policy, let alone our national security. Treaties supersede all laws and acts of Congress. The Senate's advice-and-consent duties on treaties are among our most solemn constitutional duties. I cannot, in good conscience, determine my support for this treaty until the administration assures me that our reset policy with Russia is a policy that enhances rather than diminishes the national security of our friends and allies throughout Europe.

Moreover, I must receive the strongest assurances that this policy does not once again amount to the United States leaving our brothers and sisters in the former Captive Nations alone against undue pressures from Russia.

When I finally cash out, I want to know these countries we forgot at the end of the Second World War, where millions of people were sent to the gulag, will never be forgotten again.

I think this President has an obligation to look at this treaty beyond just the nonproliferation side. He has an obligation to look at it as part of resetting our relationship with Russia, and we ought to get some things cleared up before we go ahead and sign this treaty.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO BILL BARTLEMAN

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a legendary Kentucky newspaperman who, after 39 years, is retiring, and the Commonwealth will certainly be the poorer for it. I am going to miss my old friend, Bill Bartleman of the Paducah Sun, as his service in the fourth estate ends this month.

Bill's first day at the Paducah Sun was January 7, 1972, when the Murray State University graduate was hired as both a reporter and a photographer. In the four decades since, he has covered Senators and Governors, local lawmakers and the Kentuckians whose names you may not know but who, in his words, ''make life happen.''

He has interviewed a President of the United States, and he has ridden a hot air balloon over the Ohio River. He has become Kentucky's longest running legislative reporter. He has led quite a life of accomplishment, and I wish him well in the next stage of his career.

I first met Bill when he covered my initial race for the Senate in 1984, and he has covered every one of my races since that time. For my last election campaign in 2008, Bill moderated a debate between me and my opponent that was broadcast on C–SPAN. So the whole Nation had a chance to see Bill hard at work. He was fair, honest, and professional, as always.

After 39 years, it would be easy for some reporters to make the mistake of thinking they are the story—but not Bill. This veteran journalist has words of wisdom for young reporters. This is what Bill had to say:

Remember the responsibility of what you do.

He went on to say:

Bill Bartleman isn't important, but what he covers is important. You need to represent the public and report what happens fairly. You can't send people tainted water, and you can't send tainted news.

Those words are well said. Those of us in public life will always have a close relationship with members of the press. Sometimes it is a bit challenging and sometimes it is frustrating. Sometimes the politician and the reporter do not always see eye to eye. I cannot say Bill Bartleman and I agree on everything. But I can say that Bill Bartleman will always have my respect.

For 39 years, Kentuckians have benefited from his incisive political coverage. As he moves on to a position with Mid-Continent University in Mayfield, KY, I know I speak for many Kentuckians when I say: Thank you, Bill. Thank you, Bill, for your dedicated service. You certainly will be missed.

Bill's own newspaper, the Paducah Sun, recently published an excellent article about his life and career, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Oct. 24, 2010]

AFTER 39 YEARS, BARTLEMAN TO RETIRE FROM SUN

Kentucky's longest-running legislative reporter plans to retire from The Paducah Sun in November.

Bill Bartleman, 61, will retire from the Sun after 35 years of covering government and politics, and nearly 39 years total working for the newspaper.

''I have thoroughly enjoyed my career as a reporter for The Paducah Sun and have mixed emotions about retiring,'' Bartleman said.

''The profession has provided me with opportunities to experience things and see things that others don't get to see and feel. Most gratifying are the memories of the people I've met and having the opportunity to work for people who care.''

The Pennsylvania native graduated from Murray State University in December 1971. Bartleman served his first day at the Sun on Jan. 7, 1972, after being hired as a dual reporter and photographer with the majority of his duties in photography.

He took over the paper's government and politics beat in 1975 and covered, in person, every session of legislature in Frankfort from 1976–2007 while using the Web, phone interviews and less frequent Frankfort visits for coverage in the past three years.

A frequent commentator for more than 30 years on Kentucky Educational Television's ''Comment on Kentucky,'' Bartleman also served as a panelist for KET political debates for governor, U.S. senator and other offices.

In 2008, he moderated a U.S. Senate candidate debate between Sen. Mitch McConnell and Bruce Lunsford, which was broadcast on C–SPAN, the national cable affairs network.

Bartleman said he will become an administrator at Mid-Continent University in Mayfield on Dec. 1.

''I learned early in my career that The Paducah Sun has had a rich tradition and responsibility of reporting news thoroughly, fairly and accurately,'' Bartleman said. ''It is a tradition handed down by Ed Paxton, Sr. I've always viewed myself as one of his caretakers to help carry on that tradition and responsibility. It is time for me to pass on my caretaker role to someone else and meet a new and exciting challenge.''

PRIORITIES DURING LAMEDUCK SESSION

Mr. MCCONNELL. Mr. President, both Republicans and Democrats in the Senate held many meetings this week to assess the priorities of our respective conferences.

I am extremely proud of the clarity my Republican colleagues have used to express what our priorities must be and

that we have listened to the American people. Last night, Republicans expressed the need to cut spending, reduce the debt, shrink the size and scope of the Federal Government, and help spur private sector employment—in short, change the way Washington is doing business to get our economy going again.

There is no question that is a sentiment shared by the American people. I would be remiss if I did not also express some dismay with the priorities that are being put forward on the other side of the aisle.

This is a lameduck session, and they have an opportunity to respond to the American people before we convene for the 112th Congress, but there is no reason why we cannot get to work on their behalf beginning today.

Let me share with you what I believe our priorities need to be during the lameduck session: first and foremost, preventing massive tax increases on families and small businesses and stopping the Washington spending spree. It is critical we send a message to job creators that Congress will not raise taxes on January 1.

In September, I offered a bill that would make the current tax rates permanent. In other words, nobody—nobody—in America would get a tax hike at the end of the year. The White House did not like that idea. Their preference was to raise taxes on small businesses. I think it is safe to say the American people clearly preferred our proposal: no tax hikes on anybody, especially in the middle of a recession. We should be creating jobs, not killing them.

It is my hope that starting today Democrats will turn to the priorities that reflect the wishes of the American people. If they choose that route, I know Republicans will be happy to work with them to get those things accomplished. If not, I am confident Republicans will be eager to chart a different course on behalf of the American people.

When we return from the Thanksgiving break, Republican and Democratic leaders will have an opportunity to discuss these priorities with the President in a meeting at the White House. I am looking forward to the meeting and to the opportunity to share with the President again the areas where we agree. I believe we can work together to increase opportunities for job growth here at home through increased trade opportunities abroad. I agree with the President that we should increase our exploration for clean coal technology and nuclear energy, and Americans feel strongly that we need to reduce spending and our national debt.

We can work together on all those items, and the White House meeting is a good opportunity for congressional Democrats to join us in those efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

FDA FOOD SAFETY MODERNIZATION ACT

Mr. DURBIN. Mr. President, I know my colleague, Senator HARKIN, will be on the floor momentarily to speak about the Food Safety Modernization Act. I wish to preface my remarks by thanking him personally. TOM HARKIN has been not only a great colleague and friend, he has been such an exceptional leader when it comes to this important issue. It is no surprise for those of us who know TOM HARKIN's congressional and Senate career. He has always been an extraordinary leader.

The Americans with Disabilities Act, which literally has changed the face of America and opened doors for the disabled across our Nation, is not only one of the most dramatic steps forward when it comes to human rights and civil rights in my time, it was led by Senator TOM HARKIN of Iowa and Senator Robert Dole, Republican of Kansas, who then served in the Senate.

So TOM HARKIN has been our conscience and our leader when it comes to issues involving safety, human rights, and expanding the reach of freedom in our Nation to those who otherwise might have been denied.

I will tell you why I am passionate about the food safety issue. It goes back to a note I received as a Congressman. It was almost 16 years ago. It was a note from a woman who did not live in my congressional district. She was from Chicago and I was 200 miles away. Her name was Nancy Donley, and she told the story of her 5- or 6-year-old son Alex. She brought some hamburger home from the local grocery store to fix it for her son. She made his dinner. He ate it, and then he got sick, terribly sick. In a matter of a few hours, he was at the hospital, and in a matter of a few days he had passed away.

He was a victim of E. coli. Trust me, his mom would never have done anything to harm him, and she thought she was doing the right thing to cook his meal and bring it to him at the dinner table. Unfortunately, that family decision, which is made millions of times across America every single day, was a fatal decision.

Nancy Donley—heart broken, her life shattered by the loss of that little boy she loved so much—could have shrunk away in despair and anger over what had happened but did not. She made it her passion and her crusade to gather others like her in behalf of the cause of food safety. She started an organization called Safe Tables Our Priority—or STOP—and started lobbying Members of Congress, even a Congressman 200 miles away, to do what they could to make our laws stronger and better across America.

I have kept in touch with Nancy. It has been over 16 years. We are close friends now. I have to tell you that in my pantheon of heroes, Nancy Donley is right up there for what she has done with her life. If we are fortunate enough today and successful in passing this bill—at least moving it forward procedurally—I wish to say I am doing that in her name and in the memory of her son Alex and the thousands, tens of thousands, maybe even more, across America who are victims of contaminated food.

For some people, it is just a simple case of indigestion or diarrhea that goes away after a few days. It may be mistaken for the flu. For others, it gets more serious. The number of Americans who die or become severely ill due to preventible foodborne illness is unacceptably high, and it has been that way for a long time.

Every year, 76 million Americans suffer from preventable foodborne illness. Mr. President, 325,000 of our family members, friends, and neighbors are hospitalized each year because of food contamination and 5,000 die—100 a week. That means that every 5 minutes 3 people are rushed to the hospital because the food they ate made them sick, and at the end of the day 13 will die.

Throughout the debate on this bill, I have shared the heartbreaking stories of victims such as Alex Donley and his family. Some of these victims who were courageous enough to share their stories will suffer chronic symptoms that do not go away for a long time, if ever. The victims who have died would have wished they were lucky enough to be alive, even with these long-term illnesses.

Today, as we vote to move to this bill, I will be thinking about how much it means to so many of us. I talked about Nancy Donley and her son Alex. They are not the only ones. There are people all across America who understand, when they go shopping at the food store and buy groceries or buy produce, there is a sort of built-in assumption it is safe. Would our government let things be put on the shelves in a store that have not been inspected, that are not safe?

Most people assume that if the government is doing its job like it is supposed to, they should not have to worry about those things. Well, to a great extent, they are right. We have extraordinary resources in the Federal Government dedicated toward food safety. But the simple fact is, there are wide gaps when it comes to food safety in America, and those gaps need to be closed by this bill.

The vast majority of Americans understand this. According to a recent poll commissioned by Pew, 89 percent of Americans want us to modernize our food safety system. Thanks to the leadership of Senator HARKIN and Senator ENZI, our Republican colleague, our food safety bill passed the Health, Education and Labor Committee unanimously more than a year ago.

This bill has substantial bipartisan support. Twenty Republican and Democratic Senators are already committed to it. It is supported by a broad group of consumer protection interests, including those at the Grocery Manufacturers Association and those at the

Food Marketing Institute and other places that actually market the products and are willing to accept the new legal burdens of this bill in order to give their customers peace of mind in terms of what they are going to buy and consume.

The FDA Food Safety Modernization Act will provide the FDA with the authority it needs to prevent, detect, and respond to food safety problems.

The bill will increase the frequency of inspection at all foreign and domestic food facilities according to the risk they present.

One of the issues we have to be aware of is that a global economy means food is moving across borders more frequently. It is rare that we have the resources in place in some foreign country to make sure what is in that can or in that package is safely prepared. This bill moves us toward this goal. We pick the things that are the most dangerous when it comes to food imports and say they will be the highest priority; we will start the inspection now on food imports coming into the United States. The FDA doesn't currently have the resources or statutory mandate to inspect more frequently, and what they do inspect in terms of imports is very limited. We expand that to the most high-risk, dangerous food products that might come in.

Most facilities are inspected by the Food and Drug Administration, though only once every 10 years. Think about it. The U.S. Department of Agriculture is in place every single day at meat and poultry and production facilities with the inspectors in place to do the job. When it comes to the FDA, an agency with such a broad responsibility—in fact, much broader: 1 inspection every 10 years—if it is your son or daughter, your baby, someone you love, is that enough? I don't think it is. This bill significantly increases the frequency of inspections at all domestic and foreign food production facilities according to the risks they present. The bill gives the Food and Drug Administration long overdue authority to conduct mandatory recalls of contaminated food.

It is hard to believe today, but if we know something is contaminated and has been sent out to the grocery shelves across America, our government has no legal authority to say: Bring it in. The best we can do is advertise the fact that it is dangerous and hope that the manufacturer, the distributor, and the ultimate retailer will get the message and move on it and do the right thing. It is voluntary. It is not mandatory, even if we know that something is dangerous. This bill gives that authority to the Food and Drug Administration. That means that if a company refuses to recall contaminated food, the most expedient action the FDA can take is to issue a press release right away, and we have to get beyond that. We have to give them authority. Many companies do cooperate with the FDA, and I salute them. It is not only the sensible thing to do; it certainly maintains the representation of them as food producers.

Some, such as the Peanut Corporation of America, which distributed thousands of pounds of peanuts and peanut paste contaminated with salmonella, didn't fully or quickly recall food that made people sick. The Food Safety Modernization Act is going to change that by ensuring the FDA can compel a company to recall food that can cause serious adverse health consequences or death.

Experts agree that individual businesses are in the best position to identify and prevent food safety hazards at their own facilities. The people who run a facility know where the vulnerabilities are on the assembly line and they know which hazards their foods are most susceptible to. That is why our bill requires each business to identify the food safety hazards at each of its locations and then implement a plan that addresses those hazards and keeps the food safe and free of contamination. The bill gives the FDA the authority to review and evaluate these food safety hazard prevention plans and hold companies accountable.

I see the chairman of the committee on the floor and I will end in a moment.

Finally, our bill gives the FDA the authority to prevent contaminated food from other countries from entering the United States. If a foreign facility refuses U.S. food safety inspection, the FDA has the authority to deny entry to their imports. Think about that. This is now going to be put into the law that if you are producing food overseas and you will not allow us to inspect your facility, we can stop exports to the United States. Is there any Member of the Senate, any family, who doesn't think that is a good idea? That is what this bill is all about.

I wish to thank Senator HARKIN for his extraordinary leadership on this bill. I can't tell my colleagues how many times we have come together, Democrats and Republicans, trying to work out differences. We are very close. I think there is one item of disagreement going into it. That is pretty good for Senate work—only one item of disagreement.

I say to my friends: Bring this bill to the floor. Let's vote on that particular item—Senator TESTER's concern—up or down. Let's do it. But let's not go another day without providing the protection families across America expect and deserve when they buy food. Let's do this on behalf of Nancy Donley and moms and dads all across America who ran the risk and, in her case, went through the bitter experience of losing her little 6-year-old boy Alex because of contaminated food. This is something that should be totally nonpartisan.

I urge my colleagues: Let's give a strong vote today to move forward on this important bill and help ensure that the food on America's tables is safe.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I intend to defer to Senator HARKIN for I understand 15 minutes. I wish to offer a brief unanimous-consent request that following Senator HARKIN's speech for up to 15 minutes I be recognized for 5 minutes, and that any remaining time on our side be reserved for Senator ENZI, the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Texas for yielding.

I wish to thank Senator DURBIN for all the work he has done on food safety for so many years. He has been a leader. He has prompted us and prodded us to get to this point, and we have a good bipartisan bill. I wish to take a few moments to talk about it before the vote that will be coming up in the next hour.

The aim of the Food Safety Modernization Act, as it is called, is very simply to bring our Nation's antiquated and increasingly inadequate inspection service into the 21st century. This bill takes a comprehensive approach to reforming the current system. I am pleased to report that this bill is a product of strong bipartisan collaboration on the Health, Education, Labor and Pensions Committee. Again, I wish to particularly thank Senator DURBIN and Senator GREGG who have worked together over many years to produce this excellent bill. I also wish to thank our ranking member, Senator ENZI, for his leadership in helping to bring this bill to the floor, as well as to my good friend Senator DODD who has been working on this bill also from the beginning and adding his expertise, especially on food allergies. I also thank Senator BURR, who has been personally involved in this entire process.

Senators often speak about the importance of addressing kitchen table issues here in the Senate—the practical, everyday concerns of working Americans and their families. Well, food safety is a kitchen table issue and it couldn't be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of our food safety system was in 1938, more than seven decades ago. Think about how our food system has changed in those 70 years. On the whole, Americans enjoy safe and wholesome food. We know that. But the problem is that ''on the whole'' is not good enough any longer.

As my colleagues can see from our first chart, they will see that recent foodborne illnesses have been wide in scope and have had a devastating impact on public health. When people get

sick from eating bagged spinach, we have a problem. When kids take their peanut butter sandwiches to school and they get sick from it and go to the hospital, we have a problem. We had 90 deaths and 690 reported cases in 46 States. We have found salmonella in tomatoes, in peppers, and even in cookie dough. When families eat cookie dough and they are getting E. coli, we have a problem. Recently, of course, we had the salmonella outbreak in eggs. So it is widespread. It is not just in bagged spinach or eggs, it is in peanut butter, cantaloupes, tomatoes. It is widespread. So we know we have a real problem.

The Centers for Disease Control and Prevention estimate that foodborne illnesses cause an estimated 76 million illnesses a year; 325 Americans every year are hospitalized because of foodborne illnesses; and 5,000 Americans die every year due to a foodborne illness. These are not my figures. These figures are from the Centers for Disease Control and Prevention. According to a Georgetown University study, the cost to our society is about $152 billion a year in medical expenses, lost productivity, and disability. So the numbers are staggering, not only the number of people who get sick, but the number of people who die and the cost to our society.

I checked in my own State of Iowa, and the cost alone in Iowa—we have over 800,000 cases every year. Each Iowan has to spend about $1,800 in annual health-related expenses, and about $1.5 billion in total related costs. My colleagues can look at their States and see the impact. So these are intolerable, but somehow we tolerate them. No longer can we do that. Our current regulatory system is broken. It does not adequately protect Americans from serious widespread foodborne illnesses.

Our meals have grown more complex with more varied ingredients and more diverse methods of preparation and shipping. By the time raw agricultural products find a way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients travel thousands of miles or, as Senator DURBIN said, from other countries to factories here and then to our tables. They are intermingled and mixed along the way. Yet, despite all of these changes, our food safety laws have not changed in 70 years.

What we need to do for starters is improve processes to prevent the contamination of foods and methods to provide safe foods to consumers. To achieve this, more testing and better methods of tracking food can be utilized and verified that the processes are working.

Here are some interesting figures. Thirty years ago, we had 70,000 food processors in this country. The FDA made 35,000 visits a year. So we had 70,000 food processors and we made 35,000 visits a year. Today, a full decade into the 21st century, we have 150,000 food processors—over twice as many—but today FDA inspectors make 6,700 visits each year, one-fifth as many as they did 30 years ago, with twice as many plants. So is it any surprise we are getting more and more foodborne illnesses throughout this country? Referencing what Senator DURBIN said earlier, more and more of our food is coming from other countries. All we are saying in our bill is you have to adopt the same kind of food safety processes and prevention methods that we have in this country to be able to ship your food in. I don't think that is unreasonable, to say that their processes and their safety procedures have to be at least the same as ours or as adequate as ours.

As this chart shows, our bill overhauls our food safety system in four critical ways. First is prevention. We have had some success in our Agriculture Committee in the past on what is called a program of finding out where are the points where contamination can come in and then address those points in a preventive manner. Well, we are now kind of extending that beyond meat and poultry to all food to get the prevention in place. We improve the detection and response to foodborne illness outbreaks with better detection services and better response times. We have a mandatory recall in here that the Department has never had, ever. We enhance the U.S. food defense capabilities, and we increase the FDA resources in order to take care of this.

This bill today will dramatically increase FDA inspections at all food facilities. It will give FDA the following new authorities: It will require all food facilities to have, as I said, preventive plans in place, and the FDA can have access to those plans. So they have to have preventive plans that the FDA gets access to. We have better access to records in case of a food emergency to try to find out what happened. It requires, as Senator DURBIN said, importers to verify the safety of imported food. It strengthens our surveillance systems. It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak. As I said, it gives the FDA the authority to order a mandatory recall of food. A lot of people don't know this: If there is an outbreak of illness because of foodborne diseases, pathogens, FDA does not have the authority to recall that food.

You might say that the companies do that. Well, they do. Most of them see it in their best economic interest to do that. But you might have fly-by-night operators out there that will take the money and run. You might have some foreign-based companies—and I don't mean to pick on them—that are offshore and they may have some food in this country that has caused foodborne illnesses, and they may not want to recall it. We cannot go after them. The FDA doesn't have the authority to recall that food. This bill would give them that authority.

This is a bipartisan bill, strongly supported by consumer groups and industry. I have letters from the Grocery Manufacturers Association, U.S. Chamber of Commerce, National Restaurant Association, Pew Charitable Trusts, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. I think it is a rarity when I can say both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. That is true here.

I have several letters, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 2010.

Senator RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Senator JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated $152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager.

Sincerely,

JEFFREY LEVI, PH.D.,
Executive Director.

SEPTEMBER 8, 2010.

Hon. DICK DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than ''just a bellyache.'' Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodbome illnesses to be $152 billion.

The suffering and heartbreak and deaths are pointless. Foodbome diseases are almost entirely preventable. They continue to rage because our nation's primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug, and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodbome illness, directing the FDA to prevent foodbome illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA's millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-FOREMAN,
Distinguished Fellow, Food Policy Institute.
CHRIS WALDROP,
Director, Food Policy Institute.

THE PEW CHARITABLE TRUSTS,
Washington, DC, September 14, 2010.

Hon. RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Pew Charitable Trusts urges the Senate to vote at the soonest possible date on S. 510, the FDA Food Safety Modernization Act of 2009, and encourages you to continue the important support and leadership you each have provided for this crucial legislation over the past year. The HELP Committee unanimously approved a strong, bipartisan bill in November, and a manager's package of amendments was released in mid-August. With the limited time left for legislative action this year, a vote by the full Senate on S. 510 is necessary as soon as possible to ensure that a final bill arrives on the President's desk for enactment before this Congress adjourns.

This country has experienced a seemingly endless number of foodborne-illness outbreaks and recalls of contaminated products, demonstrating the clear need for this legislation. S. 510 fundamentally shifts the government's approach in this area to preventing food-safety problems, rather than just reacting to them. The bill requires food companies to develop food-safety plans that identify possible sources of contamination and implement measures to minimize them. This legislation also provides the U.S. Food and Drug Administration (FDA) with much-needed enforcement tools, such as mandatory recall authority and better inspection.

Enactment of FDA food-safety legislation could significantly reduce the burden of foodborne illness in the United States, both for families and businesses. A Pew-funded study estimates the annual health-related costs of foodborne illness at $152 billion. For this reason, a wide range of stakeholders—consumer advocates, public health organizations, and major industry groups—support this bill. We thank you for your leadership on S. 510 and ask you to continue your efforts to secure its passage.

Sincerely,

SHELLEY A. HEARNE,
Managing Director, Pew Health Group.

CONSUMERS UNION,
Yonkers, NY, September 10, 2010.

Hon. RICHARD J. DURBIN,
Hart Senate Office Building,
Washington, DC.
Hon. JUDD GREGG,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumers Union, the non-profit publisher of Consumer Reports magazine, writes in support of S. 510, the bipartisan FDA Food Safety Modernization Act. This legislation will finally bring our outdated food safety laws into the 21st century, and will help protect consumers from deadly recalls like last month's recall of half a billion eggs for Salmonella contamination. Consumers expect that the food they eat and serve to their families will not make them sick, or worse. We applaud your leadership on this vital consumer protection legislation, and hope that S. 510 comes to the floor of the Senate for a vote in September.

S. 510 will protect consumers by:

Requiring the Food and Drug Administration (FDA) to inspect food processing plants on a regular basis;

Giving FDA the power to order recalls of contaminated food; right now, the agency can only request that the food be recalled and hope that companies respond in the public interest;

Requiring food producers to identify where food can become unsafe, and requiring them to take steps to prevent contamination by Salmonella, E. coli, Listeria, and other pathogens;

Improving methods of tracing contaminated food back to its source, so that consumers can act in a timely and knowledgeable fashion to protect their families from unsafe food; and

Requiring imported food to meet the same safety standards as food produced in the U.S.

S. 510 also takes steps to address the concerns raised by small food producers that they be regulated in a scale-appropriate manner.

We also urge you to support Senator Feinstein's proposed amendment to ban Bisphenol-A (BPA), an endocrine disruptor, from baby bottles, sippy cups, baby food, and infant formula. BPA has been linked to a wide range of health problems. Numerous studies have shown BPA effects on the brain, prostate, hormonal and reproductive systems, and it has been linked to an increased risk of insulin resistance and even cancer.

The health impact is even more pronounced on babies and children. Seven states and several cities have already taken action to ban BPA from food and beverage containers used by children and babies, as have three nations, including Canada. In addition, packaging and containers already exist on the market today without this chemical. We urge you to support the Feinstein amendment, and to provide all American children with BPA-free food and drink.

Again, we thank you for your strong leadership on this vital public health legislation. We look forward to working with you to send a final bill to the President's desk for signature this fall.

Sincerely,

JEAN HALLORAN,
Director, Food Policy Initiatives.
AMI V. GADHIA,
Policy Counsel.

SEPTEMBER 15, 2010.

SENATOR HARRY REID,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.
SENATOR MITCH MCCONNELL,
Office of the Senate Minority Leader, Capitol Building, Washington DC.

DEAR MAJORITY LEADER REID & MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with Salmonella Enteriditis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of Salmonella, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and commonsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modem food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modem tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,
Secretary, Department of Health and Human Services.
MARGARET A. HAMBURG, M.D.,
Commissioner of Food and Drugs.

Mr. HARKIN. Mr. President, I have said many times that to say that food safety in this country is a patchwork is giving it too much credit. Food safety has too often become a hit-or-miss gamble, with parents obliged to kind of roll the dice when it comes to the safety of their kids' food. It is frightening and unacceptable. It is past time to modernize our food safety laws and regulations—70 years past time. We need to give FDA the resources and authority it needs to cope with a growing problem that threatens today a more abundant and diverse food supply. We need to act now.

I urge my colleagues to join the bipartisan sponsors to pass this important legislation and vote for cloture this afternoon on the motion to proceed. Hopefully, we can get on the bill and pass it as soon as possible, so that the families of America will have more assurance that the food they eat, no matter what the source, or from where it comes, has more safety procedures attached to it, and so that we have a new process for prevention in place for all facilities in this country and in foreign countries, and so we can raise the bar and say to our families that you can have more assurance in the future that the food you buy, whether it is the fresh fruits you buy in the middle of winter, shipped from Chile, Argentina, or Mexico, or Guatemala, or the fresh fruits you get in the summertime from California, Washington State, and Canada, or the produce, the lettuce, the bagged spinach, or whatever it might be, will be more safe for you and your family. That is what this is all about—protecting our families and making sure our food safety laws are adequate for the 21st century and not the 18th century.

I yield the floor.

THE FDA FOOD SAFETY MODERNIZATION ACT

Mr. ENZI. Mr. President, the United States has one of the best food safety systems in the world. However, even the best of systems have room for improvement. That is why my colleagues and I worked together over the past year to produce a bill that has broad bipartisan support. Food safety is not a partisan issue. We all want the safest food supply possible and the Food Safety Modernization Act makes significant improvements in that direction.

This is not a perfect bill. If it were solely up to me, there are several provisions that I would have done differently. However, this bill provides real improvements for our food system by placing a greater emphasis on prevention and targeting government involvement to the areas of greatest need.

The American food industry is made up of hundreds of thousands of processors, distributers, and retailers of all sizes, both foreign and domestic. When you say ''food industry'' many think of the Nations largest food processors that carry the brand names with which we are familiar.

In truth, ''industry'' also consists of tens of thousands of small businesses across the country. It also includes over 2 million farmers, both large and small, in the United States that provide the food that we consume at our tables. This bill recognizes the diversity of all these individuals and organizations and protects their ability to continue to grow safe food for our families.

The bill also recognizes the vital role played by State and local officials. Our State officials are on the front lines when it comes to responding to food safety concerns and this bill makes sure that they will have the resources they need to do their jobs. Specifically, the bill provides training and education of State, local, and tribal authorities to facilitate the implementation of new standards under the law.

My colleagues, including Senators HARKIN, GREGG, DURBIN, BURR and DODD, have recognized all these challenges in this process and have worked together to prepare a bill that makes improvements to all aspects of our food system.

I am particularly pleased with the efforts the group has made in the managers' package that focus on providing flexibility for small and very small food processors. This bill provides small processors additional time to comply with new food safety practices and guidelines. The bill also requires the FDA to publish user-friendly small entity compliance guides to assist firms with the implementation of new practices. This way, small businesses in the food system, know exactly how to plan to adopt any new practices that could apply to them.

This bill also protects farms. Farmers remain exempt from registration under the Bioterrorism Act and any new produce safety standards must consider the unique practices that farmers use to grow or market their food. This includes consideration for farmers that use specific conservation practices or grow organic foods under the Organic Foods Production Act.

Small entities that produce food for their own consumption or market directly to consumers are also not subject to registration under this bill. This ensures that individuals can continue to provide food to their communities through farmers markets, bake

sales, public events and organizational fundraisers. Some have confused this bill with provisions in other food related bills and it is not true that S. 510 regulates backyard gardens or potluck dinners. All across Wyoming, people grow their own food and contribute dishes to organizational fundraisers and this bill continues the practice of making sure those individuals aren't subject to federal regulation.

However, if the amendment tree is filled so amendments cannot be submitted, I will likely oppose any further cloture.

I want to again recognize and thank my colleagues who have worked on this bill. I look forward to considering this bill on the floor and appreciate those Members that have helped make this bill a bipartisan effort.

Mr. INOUYE. Mr. President, I am pleased that through the leadership of the Health, Education, Labor, and Pensions—HELP—Committee, S. 510—the Food and Drug Administration—FDA—Food Safety Modernization Act—Food Safety Act—will be taken up on the floor of the Senate. I believe that consideration of the Food Safety Act represents positive steps toward better protections for the safety of the American people.

I am also pleased that a few of the provisions from my Commercial Seafood Consumer Protection Act—Seafood Safety Act—that I introduced on September 29, 2010, have been incorporated into S. 510. I am, however, disappointed that more of the Seafood Safety Act could not be included, and will continue to work on passage of the full bill.

The Seafood Safety Act will strengthen the partnership between the Secretary of Commerce, the Secretary of Health and Human Services, HHS, the Secretary of the Department of Homeland Security, DHS, the Federal Trade Commission, FTC, and other appropriate Federal agencies, to coordinate Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law. The bill provides for no new jurisdiction and does not alter any existing jurisdiction given to FDA or any other agency. The bill does not include any authorization of appropriations, but seeks only to strengthen existing partnerships and share information.

The bill remains largely unchanged since I introduced it in the 110th Congress, but this version incorporates the FTC as an additional partner since they have broad existing authority for consumer and inter-state commerce fraud issues.

Specifically, the bill requires the Secretaries of Commerce, HHS, DHS, and the FTC to enter into agreements as necessary to strengthen cooperation on seafood safety, seafood labeling, and seafood fraud. Those agreements must address seafood testing and inspection; data standardization for seafood names; data coordination for the purposes of detection and prosecution of violations regarding importation, exportation, transportation, sale, harvest, or trade of seafood; seafood labeling compliance assurance; and information-sharing for observed noncompliance. The bill also increases the number of laboratories certified to inspection standards of the FDA and allows the Secretary of Commerce to increase the number and capacity of NOAA laboratories responsible for seafood safety testing. It allows for an increase in the percentage of seafood import shipments tested and inspected to improve detection of violations. Finally, the bill allows the Secretary of HHS to refuse entry of seafood imports from countries with known violations, and also allows the Secretary to permit individual seafood shipments from recognized and properly certified exporters.

Again, I am grateful for the leadership shown by the HELP Committee and Chairman HARKIN on S. 510, yet I remain committed to the Seafood Safety Act and look forward to continuing to work to ensure its passage.

Mr. HATCH. Mr. President, I rise today to express my mixed emotions on S. 510, the FDA Food Safety Modernization Act.

With past recalls on spinach, peppers, cookie dough, peanuts and peanut products, there appears to be an increase in the frequency of foodborne outbreaks. The Centers for Disease Control and Prevention, CDC, estimates that foodborne disease cause approximately 76 million illnesses in the U.S. each year, including an estimated 325,000 hospitalizations and 5,000 deaths. These statistics are strong evidence that our current food safety laws and regulations are antiquated and should be updated.

We live in a global food economy, but our Nation's current food safety laws and regulations are geared predominately to a local and domestic market. As a result, there are new safety challenges that have risen from this global market that must be addressed.

As the former chairman and ranking member of the Senate HELP Committee—it was then known as the Senate Labor Committee—I have a little history on this issue. As chairman of the committee, I introduced the Food Safety Amendments with the intent of ensuring a safer food supply, similar to the goal of the legislation before the Senate today.

I would like to point out that S. 510 is one of the few bipartisan pieces of legislation currently in the Senate. We had Republicans and Democrats working across the aisle to come up with solid policies to address some of the major gaps in our current food safety system. And as we deliberated these policies, it was important to me to protect existing laws that already have solid consumer protections. One of those laws is the Dietary Supplement Health and Education Act of 1994.

Briefly, DSHEA clarified the regulatory structure of supplements to ensure that individuals would continue to have access to safe supplements and information about their use. Under DSHEA, Congress set out a legal definition of what could be marketed as a dietary supplement.

We created a safety standard that products have to meet. We allowed the FDA to develop good manufacturing process standards for supplements. We clarified which claims could be made about these products and we said those statements must be truthful and not misleading.

Furthermore, the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006 created a mandatory adverse event reporting, AER, system for dietary supplements and over-the-counter drugs. My friend and chairman of the Senate HELP Committee, TOM HARKIN, and I worked on this law very closely with Senator MIKE ENZI, who was chairman of the HELP Committee at the time, the late Senator Ted Kennedy, who was the ranking member of the HELP Committee at the time, and Senator DICK DURBIN on this important legislation. Our legislation created a system to provide the government with information about serious adverse events associated with dietary supplements and over-the-counter drugs. It provides Federal authorities with a better and more effective tool to become aware and to respond to any problems that might occur.

I am grateful and appreciative to the sponsors of the bill for including provisions to preserve the DSHEA and AER laws' consumer protections as part of S. 510.

In addition, I have heard from many of my constituents that they are concerned with the international harmonization provisions in this bill and its impact on the availability and affordability of dietary supplements—in particular, the Codex Commission which is an international organization that provides guidelines for food safety. Rest assured that the Commission's guidelines on vitamin and mineral food supplements will not affect the regulation of dietary supplements in the United States unless Congress decides to adopt the provisions.

Another issue I want to mention is the importance of promoting small businesses. Without a doubt, small businesses are the engine for economic growth in America and represent a powerful vehicle for opportunity. Small businesses contribute greatly to Utah's economy, and I am committed to doing all I can to promote job creation, grow our economy, and ensure America's businesses are competitive in the global marketplace.

So I am pleased that S. 510 considers the needs of small businesses. It accomplishes this by requiring the FDA to publish user-friendly guidance to assist firms with the implementation and compliance of new practices. It also

gives small food facilities additional time to comply with the new food safety practices and guidelines. In addition, the legislation also requires the FDA to coordinate its outreach activities with the National Institute of Food and Agriculture of the U.S. Department of Agriculture, USDA, in order to educate and train growers and small food facilities about the new requirements from this bill.

Finally, I wanted to address concerns raised by the Utah farming community, particularly small farmers. First, this bill preserves the current jurisdictional separation between the USDA and the FDA. In other words, this bill does not change those who are currently subject to USDA regulation versus those who are subject to FDA regulation under the existing laws. Second, this bill does not change the existing definition of a facility currently required to register with the FDA. This means that farms that are currently exempt from registering with the FDA under the Bioterrorism Act of 2002 continue to remain exempt. Finally, small entities that produce food for their own consumption or market directly to consumers or restaurants are not subject to registration or the new recordkeeping requirements under this bill. This includes food sold through farmers' markets, personal or backyard gardens, bake sales, public events and organizational fundraisers.

Unfortunately with all those great provisions that I just mentioned, there is still one major concern that I cannot overlook, the cost of the bill. The Congressional Budget Office, CBO, has estimated that the legislation will cost $1.4 billion over 5 years. We need to rein in the out-of-control government spending, especially in today's fiscal environment. We simply cannot continue to drive up the national debt. We cannot sustain trillion-dollar deficits. More government spending will push the Nation over a precipice from which we may not be able to recover.

Even though this spending is discretionary, it troubles me that if future appropriations are not sufficient to cover the cost of the bill, Congress would be unintentionally giving the FDA an unfunded mandate. If this happens, the FDA would either simply not be able to live up to its new responsibilities or would be forced to shift funds from other important and already strapped agency programs like the regulation of prescription drugs, medical devices, and/or biologics. The latter could cause significant harm to the American public. So it is with deep regret that I cannot support S. 510 without it being paid for. However, I am committed to working with my Senate colleagues to find ways to offset the cost of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

BALANCED BUDGET AMENDMENT

Mr. CORNYN. Mr. President, I want to briefly draw attention to a resolution that the conference of Republican Senators and Senators-elect adopted yesterday, one that I think fits the times we are living in, one which has seen historic levels of Federal spending and debt and deficits, as well as unsustainable debt that will be inherited by our children and grandchildren, unless we take responsibility for it.

This resolution, I think, would demonstrate the seriousness that we would have as a Congress to get our Nation's fiscal house in order. This resolution reads:

It is Resolved by the United States Senate Republican conference:

That a Balanced Budget Amendment to the United States Constitution is necessary to restore fiscal discipline to our Republic;

That a Balanced Budget Amendment should require the President to submit to Congress a proposed budget prior to each fiscal year in which total federal spending does not exceed total federal revenue;

That a Balanced Budget Amendment should include a requirement that a supermajority of both houses of Congress be necessary to increase taxes;

That a Balanced Budget Amendment should include a limitation on total federal spending.

I thank the 20 Republican Senators and Senators-elect who cosponsored this resolution and the members of the conference who voted to adopt it. Let me share with you a few factoids that I think will demonstrate the compelling nature of this joint resolution and constitutional amendment.

In fiscal year 2010, our deficit was $1.3 trillion or 8.9 percent of the gross domestic product. That is actually down from 9.9 percent in fiscal year 2009, but certainly nothing to celebrate. The Congressional Budget Office baseline estimates that Federal deficits will average $605 billion each year through 2020, and the budget that the President submitted to us this year, itself, if implemented, would call for an average of $1 trillion of deficit each year for the next 10 years.

We know that the Budget Act passed by Congress, signed by the President, requires the President of the United States to submit his budget by the first Monday in February. I can tell you that I am anxiously awaiting to see in that budget proposal submitted by the President by the first Monday in February his commitment to fiscal discipline—now particularly since the American people have spoken so loudly and clearly about their concerns over reckless spending and endless debt.

We know a balanced budget amendment actually works, because virtually every State in the Nation has one, including my State of Texas. Only the Federal Government has no requirement of a balanced budget and can spend huge deficits and borrow money it does not have. No family in America, or small business, when income goes down, can continue to spend at the same level. They have to live within their means. So should the U.S. Government.

We also know that a balanced budget amendment is popular with the public. A recent referendum held by Florida voters showed that 71 percent approved a nonbinding resolution supporting a balanced budget amendment. We have had votes in the Senate on this not that long ago. I believe it was in 1997, so I will let you judge whether it was long ago. Sixty-six Senators at the time voted in favor of a balanced budget amendment or 1 shy of the two-thirds necessary, including 11 colleagues on the other side of the aisle, demonstrating the bipartisan support for a balanced budget amendment.

It is important to note that at that time, when 66 Senators voted on a bipartisan basis for a balanced budget amendment, the deficit was only 1.4 percent of GDP. Today, it is 8.9 percent. I think if a balanced budget amendment was a good idea—at least in the minds of 66 Senators—in 1997, it is even a better idea today. So I hope colleagues on both sides of the aisle will join with me to offer ideas on drafting this joint resolution.

Of course, as you know, under Article V of the Constitution of the United States, a constitutional amendment can emanate from Congress itself with a two-thirds vote or it can be the result of a constitutional convention. Under either circumstance, three-quarters of the States would be necessary to ratify it. I think if Republicans and Democrats can listen to the voice of the American people and get behind a joint resolution, it will restore some of the public's lost confidence in our ability and our willingness both to heed their voice and also live up to our responsibility.

I think a balanced budget amendment would be a big step forward in the cause of fiscal discipline but, of course, not the only step. As the cochairs of the President's debt commission have already indicated, we need other measures. One that caught my eye they called a ''cut and invest committee,'' charged with trimming waste and targeting investment. They noticed a good example at the State level, in my State of Texas, where we have a sunset commission that requires, every 10 years, every State agency to go through a process to determine whether the programs and the agency itself continue to have good reason to exist at the spending levels authorized.

We need something such as that, which will provide a tremendous ability for us to have additional tools to contain costs and avoid wasteful spending. To that end, I have put forth a model of the bill of the Texas sunset commission, called the United States Authorization and Sunset Commission Act. I urge my colleagues to take a look at that, and I can assure you that, come January, when we have a new Congress, I will offer that legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

PAYCHECK FAIRNESS

Ms. MIKULSKI. Mr. President, I rise to speak on paycheck fairness, a bill on which we will be voting on cloture. The paycheck fairness bill picks up where the famous Lilly Ledbetter bill left off. I was so proud to lead the fight on the Senate floor 2 years ago, under a new Congress and a new President, to ensure that we righted the wrong of a Supreme Court decision, where Lilly Ledbetter, on behalf of American women everywhere, would be assured that she could get equal pay for equal or comparable work. The Congress responded well and that legislation is now the law of the land.

The paycheck fairness bill picks up where Ledbetter left off, because Ledbetter left the courthouse door open to sue for discrimination. Paycheck fairness makes it more difficult to discriminate in the first place; it increases penalties for discrimination; prohibits employer retaliation for sharing pay information; it closes the loophole that allows for a broad defense in equal pay cases.

Let me go through this one by one. It improves remedies where discrimination has occurred. Current law now says that women can only sue for back pay and fixed damages. The paycheck fairness bill would allow women to get additional compensatory damage, which makes up for the injury or harm suffered based on discrimination. Ledbetter had no provisions regarding that. Also, so crucial is that it prohibits employer retaliation—and, wow, does this go on in the workplace.

Under current law, employers can sue or actually punish employees for sharing salary statements and information with coworkers. This is usually the way employees find out that they are being discriminated against. In the famous Supreme Court hearing, some of our Supreme Court Justices, who bragged that they don't know what a BlackBerry is, gave women the raspberries when they said women should know they are being discriminated against, but you cannot even talk at the water cooler, or down in the office gym, and say: I get paid this; what are you getting paid for the same job?

What paycheck fairness will now do is prohibit employers from taking action against employees who simply share information about what they are getting paid. This was not included in the Ledbetter Act. It clarifies that any factor other than a sex offense—right now, an employer can assert a defense that the pay differential is based on a factor other than sex. Courts can interpret this broadly, and a number of factors are limited. What the paycheck fairness bill does is tighten that loophole by requiring that the differential is truly caused by something other than sex or gender or is related to job performance that is necessary for the business. Ledbetter did not address that loophole. By the way, I know that the specter of small business is always raised, but I say to my colleagues that small businesses with revenue of less than $500,000 are exempt from the Equal Pay Act. That means that paycheck fairness maintains that exemption. That is how it takes Ledbetter one step farther. It gives women the tools to begin to know what they are being paid—or people of ethnic minorities, et cetera.

Why is this important? First, it is fundamental fairness. You ought to be paid equal pay for equal or comparable work. It is fundamentally fair. If the same people are doing the job with the same skills and background, they ought to get the same pay. It affects a family's paycheck; it affects their pension; it affects their whole way of life. Right now, equal pay is actually critical to economic recovery. It is one of the ways that we can make sure the family checkbook is increased based on merit.

Some people say: Oh, well, why do you need another bill, Senator Barb? Women already have enough tools to fight discrimination. Well, we haven't fixed everything. And here, I think this bill is simple and achievable with the small business exemption that will do that.

When the Equal Pay Act was passed in 1963, women earned merely 59 cents on every dollar earned by men. We have made progress. In 47 years, we have now come up to 77 cents for every dollar that men make. It only took us 43 years to get an 18-cent increase. Well, I think times are changing. Women are now more in the workplace, and women are now often the sole or primary source of income. Creating a wage gap is not the way to improve the health of a family or the health of our community.

I could go through a lot of statistics about what that means, but I simply want to say to my colleagues that with many Americans already earning less, we need to make sure that the family budget is based on people being able to get paid for what they do and to make work worth it and make wage compensation fair.

I think the facts speak for themselves as to why this bill is necessary. I think the bill itself is a very specific, achievable, narrowly drawn bill, and I urge my colleagues to vote for cloture.

Mr. DODD. Mr. President, I rise today to speak on the Paycheck Fairness Act, a critically important bill to guarantee women equal pay for equal work. I am proud to lead the effort in the Senate to pass this legislation, which my dear friend and colleague ROSA DELAURO has already shepherded through the House of Representatives.

I am pleased that the Senate is finally considering this commonsense legislation and am grateful to the majority leader for his strong support and his recognition of how important this bill is to American families.

Americans must be assured of equity in the workplace. Unfortunately, the fundamental principle of equal pay for equal work has yet to be realized in this country. In my view, it is high time that Congress step in to remedy this injustice.

Despite passage of the Equal Pay Act over 40 years ago, which was intended to ensure that women are paid the same as their male counterparts, a large wage gap still persists. Women are paid, on average, just 77 cents for every dollar earned by a man. To put it another way, the pay gap means that the average woman is paid more than $10,000 less per year than she deserves. The gap is even larger in the African American and Hispanic communities, with black women earning 70 cents and Hispanic women earning merely 67 cents for every dollar a man earns. In my view, it is an outrage that in the year 2010 we are still not treating women as equals in the workplace.

Even a college education doesn't suffice to correct this inequality. In my home State of Connecticut, the median wage for a woman with a bachelor's degree is $55,000—which puts her on par with a man who only has a high school diploma. This wage gap means that, cumulatively, a working woman will be shortchanged by $400,000 to $2 million over her lifetime in lost wages, pensions, and Social Security benefits.

Now, some will argue that the wage gap is a product of the choices women make, such as what they study in college, what field they pursue careers in, and whether to take time off to raise their children. But study after study has corrected for every possible variable, and still has found that only part of the wage gap can be explained by measurable factors. The rest of the gap is a result of discrimination in the workplace. One study compared men and women who had pursued the same majors, attended equally good schools, and were entering the same industry, and found that women are already paid less than these identically qualified men just one year out of college.

This is not just a matter of fairness but of economic necessity. Every dollar that women are shortchanged means a dollar less spent in her community, to take care of her family. The problem is particularly acute during the current economic recession, in which women are increasingly the primary or sole breadwinners for their families. Since the recession began, approximately 70 percent of jobs lost were jobs that had been held by men. In the typical married-couple family, this translates into forcing the family to survive on just 42 percent of its former income. This means families have less money to spend on everything—groceries, going out to eat, new school clothes, home and car repairs—all of which means less money going into our local economies. Paying women fairly is not just the right thing to do, it is also an immediate economic boost.

The Paycheck Fairness Act would finally give women tools strong enough

to end wage discrimination. It provides a long-overdue update to the Equal Pay Act, which has not been amended since it was signed into law by President Kennedy in 1963. I would add to my colleagues who may be undecided on whether to support the upcoming cloture vote—it has been forty-seven years since the Equal Pay Act was enacted. If we fail to pass this critically important legislation now, there may not be another opportunity to do so for a decade or more.

The Paycheck Fairness Act improves on the Equal Pay Act by toughening penalties for pay discrimination. It puts gender-based discrimination on equal footing with discrimination based on race or ethnicity by allowing women to sue for compensatory and punitive damages. It closes a significant loophole in the Equal Pay Act that for too long has allowed to justify unequal pay without a legitimate business need. It prohibits employers from punishing whistleblowers. Furthermore, it will require better data collection by the Department of Labor and Equal Opportunity Commission and set up training programs to help women learn more effective salary negotiation skills.

To continue our economic recovery, I believe that we must not only work to create jobs. We must also ensure that those jobs are good jobs. Making sure that all workers are confident that they are being treated and compensated fairly is critical to that goal.

This bill will ensure that workers are paid what they deserve and will provide them with security and fairness in the workplace. I urge my colleagues to support this effort.

Mr. CARDIN. Mr. President, I rise today in support of the Paycheck Fairness Act.

Progress for women in this country has not come easily or come quickly. There was a time when women were not allowed to vote or own property. In fact, our country once considered women to be the property of their fathers or husbands.

Over the years, women have fought gender barriers and broken down stereotypes, making great strides toward equity. Unfortunately, inequities still exist. While women have successfully broken through glass ceilings on careers across the employment spectrum, pay discrimination still remains.

Today, women make up half of the total workforce and nearly 4 in 10 mothers are the primary breadwinners of their household. Nearly two-thirds of mothers bring home at least a quarter of the household earnings. In these hard economic times, when women's wages put food on the table, keep the lights on and put gas in the car, pay inequities should not be tolerated.

In 1963, Congress passed the Equal Pay Act in an effort to end pay discrimination. Despite the good faith effort of this legislation, legal loopholes exist that have weakened the intent and goal of the law. The Paycheck Fairness Act updates and strengthens the core principles in the Equal Pay Act. It will close loopholes in the original legislation; level the playing field for employers, so the employers paying fair wages are not disadvantaged; and will shine a light on pay discrimination occurring throughout our country.

According to the Census Bureau, although women between the ages of 25 and 29 possess a higher percentage of bachelor degrees than men in the same age group, women consistently earn less than men at every level of education attainment. In 2009, women working full time, year around were paid 77 cents for every dollar paid to men on average. This gap is worse for minorities. African-American women were paid 62 cents and Latino women are paid only 53 cents for every dollar a man makes.

In fact, women earn less on the dollar than men as their level of education increases. A study completed by the American Association of University Women found that female graduates working full time earn only 80 as much as their male graduates. The study then looked ten years after graduation to find women fall further behind, earning only 69 as much as men. Overall women are paid less than their male counterparts during their entire career.

Opponents of this legislation argue that there is no real gender pay gap and if there is one it's due to women's choices. Specifically, opponents assert that women earn less because they are more likely to choose part-time work to accommodate a growing family. This is incorrect. Many studies demonstrate that the wage gap is real. According to a recent GAO study, so-called life choices do not explain the persistent wage gap. Additionally, GAO found that even when all relevant career and family attributes are taken into account, there is still a significant unexplained gap in men's and women's earnings.

Additionally, opponents of the legislation assert that the Paycheck Fairness Act will create increased litigation. This, too, is just wrong. The Equal Pay Act is not a strict liability statute and it sets a very high burden for an employee to bring a claim. That burden will not change with the passage of the Paycheck Fairness Act. The legislation will now require that the ''factor other than sex'' defense available to employers is a bona fide, job related factor that must be articulated. This language mirrors other civil rights legislation prohibiting discrimination.

Finally, opponents assert that this legislation will hurt businesses and reduce job growth during these hard economic times. This is yet another incorrect assertion. In fact, this legislation will help ensure that women are paid fairly for equivalent work. In a nationwide survey of registered voters, 84 percent of voters said they supported ''a new law that would provide women with more tools to get fair pay in the workplace.'' There is an overwhelming level of support for fair pay across the political spectrum.

The goal of the Paycheck Fairness Act is simple: close the loopholes that exist in current law to ensure that men and women are paid fairly and accurately in the workplace. No longer will an employer be able to pay women and men different wages if they are doing the same or equivalent jobs. No longer will an employer be allowed to retaliate against employees for discussing their wages with other employees. No longer will we allow pay discrimination to be tolerated.

As an original cosponsor of this bill, I urge my colleagues to support this bill and join our colleagues in the House by passing the Paycheck Fairness Act.

Mr. DURBIN. Mr. President, it is nearing 2 years since we passed the Lilly Ledbetter Fair Pay Act protecting the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary window established by the Supreme Court. Unfortunately, while the Lilly Ledbetter Act was an important step in eliminating pay discrimination, a sizable pay gap remains between working men and women.

The numbers are astounding. Nearly 50 years after the passage of the Equal Pay Act, a recent GAO report shows that managers who are women make 81 cents to every dollar of their male counterparts. According to the U.S. Census Bureau report, the gap grows even larger—77 cents to every dollar—when looking at the entire working population.

In Illinois, for a median income household, that is a difference of $11,000 each year. This is a significant difference in compensation. Imagine, for a family where the woman is the primary or only wage-earner how much difference $11,000 a year could make.

The Paycheck Fairness Act would help narrow this pay gap by amending the Equal Pay Act to reduce discrimination in the workplace. It would bar retaliation against workers for disclosing wages, so that workers can identify pay discrimination when it happens.

The bill would clarify what constitutes valid justification for pay differentials so that employers know what factors are lawful considerations. The law would clarify that gender difference alone is not adequate pay differential must be based on legitimate, job-related requirements. It would create incentives for good behavior by providing technical assistance and employer recognition awards.

Finally, the legislation would amend the Equal Pay Act to ensure that women facing discrimination have access to the same wage discrimination remedies as are available for racial or ethnic wage discrimination.

These commonsense solutions can help narrow the wage gap. Women cannot afford, quite literally, to wait for

this legislation any longer. We cannot ignore that the gender wage gap is unacceptably large and shrinking much too slowly. We owe working women of America and their families—more. I look forward to casting my vote to proceed to the Paycheck Fairness Act and urge my colleague to join me.

Mr. President, I yield the floor.

FOOD SAFETY

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, first, I thank Senator ENZI for allowing me a couple of seconds here as we move toward a cloture vote on S. 510. I am an original cosponsor of S. 510, the food safety bill. I certainly had hoped that we would be able to come together in a bipartisan way in support of that bill. Unfortunately, the bill, with the substitute that has now been filed, is not the same bill I originally cosponsored. I will speak more about this after the vote, but it is my intent to vote against cloture on this bill.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

PAYCHECK FAIRNESS ACT

Mr. ENZI. Mr. President, I want to talk about the paycheck unfairness bill that is before us. A better title for this bill should be the ''jobs for trial lawyers act.''

I am confident that there is no Member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers, and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both good laws that have been well utilized to combat discrimination where it exists, and I support the full enforcement of these laws. Businesses that discriminate against a female employee because of her gender must be corrected and penalized.

But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is actually a ''jobs for trial lawyers act.'' The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits—which usually result in coupons for the people that were disadvantaged—without even getting the consent of the plaintiffs, and they will have the weapon of uncapped damages to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering our economic recovery.

There are a number of other concerning provisions of this legislation, such as authorizing government to require reporting of every employer's wage data by sex, race, and national origin. Had this bill gone through committee markup under regular Senate order, we may have been able to address some of these concerns. But this bill—like so many other labor bills in the HELP Committee jurisdiction of this Congress—has circumvented regular order.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of letters from a total of 44 groups opposing this legislation and 4 newspaper op eds.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS OPPOSING PFA, 11/17/2010

1. Alliance for Worker Freedom; 2. American Bakers Association (coalition letter); 3. American Bankers Association (coalition letter); 4. American Hotel & Lodging Association (coalition letter); 5. Associated Builders and Contractors; 6. Associated General Contractors (coalition letter); 7. Associated Industries of Massachusetts; 8. Coalition of Franchisee Associations; 9. College and University Professional Association for Human Resources (coalition letter); 10. Concerned Women for America; 11. Food Marketing Institute; 12. HR Policy Association (coalition letter); 13. Independent Electrical Contractors; 14. Indiana Restaurant Association; 15. International Franchise Association; 16. International Foodservice Distributors Association (coalition letter); 17. International Public Management Association for Human Resources (coalition letter); 18. Louisiana Restaurant Association; 19. Maine Restaurant Association; 20. Montana Restaurant Association.

21. National Association of Manufacturers; 22. National Association of Wholesaler-Distributors (coalition letter); 23. National Council of Chain Restaurants (coalition letter); 24. National Council of Textile Organizations (coalition letter); 25. National Federation of Independent Business (coalition letter); 26. National Public Employer Labor Relations Association (coalition letter); 27. National Restaurant Association; 28. National Retail Federation; 29. National Roofing Contractors Association (coalition letter); 30. National Small Business Association; 31. National Stone, Sand and Gravel Association (coalition letter); 32. Nebraska Restaurant Association; 33. North Carolina Restaurant and Lodging Association; 34. Ohio Restaurant Association; 35. Printing Industries of America (coalition letter); 36. Retail Industry Leaders Association; 37. Small Business & Entrepreneurship Council (coalition letter); 38. Society for Human Resource Management (coalition letter); 39. Texas Restaurant Association; 40. U.S. Chamber of Commerce; 41. U.S. Commission on Civil Rights; 42. Virginia Hospitality and Travel Association; 43. West Virginia Hospitality & Travel Association; 44. World At Work (Requires clarification that legit ER practices not covered by PFA).

BILL TAKES ON DISTURBING PAY GAP—BUT OFFERS FLAWED REMEDIES

(November 17, 2010)

All eyes will likely be on U.S. Senator Scott Brown this week as he casts a decisive Senate vote on the Paycheck Fairness Act, a bill aimed at helping women fight for equal pay in the workplace. But while parts of the bill would be useful, the measure as a whole is too broad a solution to a complex, nuanced problem.

The bill is meant to address a troublesome wage gap between women and men, which has decreased over time, but still persists; today, most women earn roughly 77 cents for every dollar earned by men in equivalent jobs. The reasons for this discrepancy are under dispute, and the Paycheck Fairness Act would take some steps to protect against blatant discrimination. Most notably, it would bar businesses from retaliating against employees who share information about their salaries with their coworkers. The bill would also provide funds to train businesses to improve their pay practices and train women to negotiate their salaries more effectively.

But the controversial meat of the bill is the changes it would make to the legal process, amending the Equal Pay Act of 1963. Where women today can only sue for back pay, the new bill would allow them to seek both compensatory damages and unlimited punitive damages. The bill would also make it easier for workers to join class-action suits. Most problematically, it would alter the burden on businesses, requiring them to prove that any difference in pay is the result of a business necessity, and to demonstrate why they didn't adopt a plaintiff's suggested ''alternative remedy'' that wouldn't result in a pay gap.

But what if a company offers a higher salary for retail workers in a more dangerous location, and more men sign up? What if a male worker leverages a job offer into a higher salary? Should these be illegal acts? The bill would create too strong a presumption in favor of discrimination over other, equally plausible explanations for disparities in salaries. In addition, the threat of much higher damage awards by juries might lead businesses to make quick settlements for frivolous claims. (Today, about 60 percent of discrimination claims tracked by the Equal Employment Opportunity Commission are found to have no merit.)

Proponents of the bill note that today's penalties for wage discrimination are so anemic that there's no incentive for businesses that discriminate to change their ways. A narrower bill that would stiffen some penalties and ban retaliation would be helpful. But companies are right to be concerned that this bill, as written, is too deep an intrusion.

[From the Chicago Tribune, Nov. 12, 2010]

PAYCHECK FAIRNESS?

Equal pay for equal work stands as a cornerstone of the American workplace, and we support the principle wholeheartedly. But Congress is moving toward a fix that would be grossly intrusive on decision-making by private businesses.

At least one group would get a fatter paycheck from the Paycheck Fairness Act: trial lawyers.

The proposed law says that in cases where a pay disparity between men and women is challenged in court, an employer would have to prove there is some reason for the gap other than discrimination. The employer would also have to prove that the gap serves a necessary business purpose. And even then, the employer could be in trouble if a court determines that an ''alternative employment practice'' would serve the same purpose without skewing the salaries.

Those judgment calls go by another name: management decisions. The legislation would open businesses to wide second-guessing of decisions they made to hire and promote the most effective work force in a competitive environment. It would leave businesses with one eye on the competition and one eye on what a judge might decide in

hindsight is a preferable ''alternative employment practice.''

Uncle Sam to the nation's employers: We'll tell you how to run your business.

Imagine a company that pays more to workers with greater experience. If women haven't been on the job as long as men, they would likely earn less. The burden would be on the employer to prove that experience not only yielded a measurably better quantity and quality of work, but also that it was the best yardstick to use. ''How are you going to prove that?'' asks Camille Olson, an attorney at Chicago's Seyfarth Shaw LLC who has testified against the legislation on behalf of the U.S. Chamber of Commerce. ''It would be very, very difficult.''

Making matters worse, under the new law, damage awards would be uncapped, and class-action procedures loosened. Bring on the trial lawyers.

The nation already has strong legal protections for women in the workplace, even for cases of unintentional discrimination. Under the Equal Pay Act of 1963, employers can justify wage differentials only if they're based on gender-neutral factors, such as education, experience, productivity and market conditions.

This bill has its heart in the right place. It even has some worthwhile, less-intrusive provisions, such as protection from company retaliation for workers who share information about wages.

It has been approved by the House and is slated to reach the Senate floor next week. It is a high priority for the Obama administration. But it is much too intrusive, and the Senate should reject it.

[From the New York Times, Sept. 21, 2010]

FAIR PAY ISN'T ALWAYS EQUAL PAY

(By Christina Hoff Sommers)

Among the top items left on the Senate's to-do list before the November elections is a ''paycheck fairness'' bill, which would make it easier for women to file class-action, punitive-damages suits against employers they accuse of sex-based pay discrimination.

The bill's passage is hardly certain, but it has received strong support from women's rights groups, professional organizations and even President Obama, who has called it ''a common-sense bill.''

But the bill isn't as commonsensical as it might seem. It overlooks mountains of research showing that discrimination plays little role in pay disparities between men and women, and it threatens to impose onerous requirements on employers to correct gaps over which they have little control.

The bill is based on the premise that the 1963 Equal Pay Act, which bans sex discrimination in the workplace, has failed; for proof, proponents point out that for every dollar men earn, women earn just 77 cents.

But that wage gap isn't necessarily the result of discrimination. On the contrary, there are lots of other reasons men might earn more than women, including differences in education, experience and job tenure.

When these factors are taken into account the gap narrows considerably—in some studies, to the point of vanishing. A recent survey found that young, childless, single urban women earn 8 percent more than their male counterparts, mostly because more of them earn college degrees.

Moreover, a 2009 analysis of wage-gap studies commissioned by the Labor Department evaluated more than 5o peer-reviewed papers and concluded that the aggregate wage gap ''may be almost entirely the result of the individual choices being made by both male and female workers.''

In addition to differences in education and training, the review found that women are more likely than men to leave the workforce to take care of children or older parents. They also tend to value family-friendly workplace policies more than men, and will often accept lower salaries in exchange for more benefits. In fact, there were so many differences in pay-related choices that the researchers were unable to specify a residual effect due to discrimination.

Some of the bill's supporters admit that the pay gap is largely explained by women's choices, but they argue that those choices are skewed by sexist stereotypes and social pressures. Those are interesting and important points, worthy of continued public debate.

The problem is that while the debate proceeds, the bill assumes the answer: it would hold employers liable for the ''lingering effects of past discrimination''—''pay disparities'' that have been ''spread and perpetuated through commerce.'' Under the bill, it's not enough for an employer to guard against intentional discrimination; it also has to police potentially discriminatory assumptions behind market-driven wage disparities that have nothing to do with sexism.

Universities, for example, typically pay professors in their business schools more than they pay those in the school of social work, citing market forces as the justification. But according to the gender theory that informs this bill, sexist attitudes led society to place a higher value on male-centered fields like business than on female-centered fields like social work.

The bill's language regarding these ''lingering effects'' is vague, but that's the problem: it could prove a legal nightmare for even the best-intentioned employers. The theory will be elaborated in feminist expert testimony when cases go to trial, and it's not hard to imagine a media firestorm developing from it. Faced with multimillion-dollar lawsuits and the attendant publicity, many innocent employers would choose to settle.

The Paycheck Fairness bill would set women against men, empower trial lawyers and activists, perpetuate falsehoods about the status of women in the workplace and create havoc in a precarious job market. It is 1970s-style gender-war feminism for a society that should be celebrating its success in substantially, if not yet completely, overcoming sex-based workplace discrimination.

[From the Washington Post, Sept. 28, 2010]

PAYCHECK FAIRNESS ACT: A FLAWED APPROACH TO JOB BIAS

There should be no tolerance for gender-based discrimination in the workplace, and the Paycheck Fairness Act contains sensible provisions on the issue, including protections against retaliation for employees who challenge pay schedules. But the proposal, which builds on the existing Equal Pay Act, would allow employees and courts to intrude too far into core business decisions.

The bill, which is pending in the Senate, would allow employers to defend against equal-pay lawsuits by proving that pay disparities between men and women were based on ''bona fide'' factors, such as experience or education, and that these factors are ''consistent with business necessity.'' This provision would codify the current state of the law as developed in the courts over the past 30 years. During that time, judges pressed employers to prove the need for educational requirements that had no nexus to advertised jobs. Such requirements were often used to deny employment to minority applicants.

But the bill does not stop there. It also mandates that the business necessity defense ''shall not apply'' when the employee ''demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.'' But what if the employer has refused because it has concluded that the alternative is—contrary to the employee's assertion—more costly or less efficient? What if the employee and employer disagree on what the business purpose is or should be?

This approach also could make employers vulnerable to attack for responding to market forces. Take an employer who gives a hefty raise to a valued male employee who has gotten a job offer from a competitor. Would a court agree that the raise advanced a legitimate business purpose or could the employer be slammed unless he also bumps up the salary of a similarly situated female employee?

Discrimination is abhorrent, but the Paycheck Fairness Act is not the right fix.

Mr. ENZI. Mr. President, the newspaper articles I have submitted for the RECORD were written by the editorial boards of the Boston Globe, the Chicago Tribune, and the Washington Post, while the other op ed, written by a guest columnist, appeared in the New York Times. I don't think any of these would be considered to be conservative newspapers, but they have taken a strong stand in the same direction and position that I have been speaking here.

The bottom line is that this legislation will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of this bill cite wage data that the Bureau of Labor Statistics itself says ''do not control for many factors that can be significant in explaining earning differences.'' In fact, studies show that if you factor in observable choices, such as part-time work, seniority, and occupational choice, the pay gap stands between 5 to 7 percent. Let me repeat: Part-time work, seniority, and occupational choice reduces the pay gap to between 5 and 7 percent. Some of these choices are certainly personal prerogatives, and I would not question the choices anyone makes with regard to family obligations or job security and the quality of fringe benefits, such as health, retirement, and child care. But to a large extent, this remaining gap is due to occupational choice.

It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs, such as the Workforce Investment Act, which could train 100,000 people to be hired in skilled jobs—sometimes in the nontraditional roles. So instead of being a waitress, they might be a brick mason. We have heard that example in hearings. Such training under the Workforce Investment Act produces significantly higher wages, and that would prepare more women to enter higher earning occupational fields. Surely this would be a more reasonable solution

than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees, which results in disadvantaged employees getting coupons while the trial lawyers keep most of the money.

I urge my colleagues to oppose this cloture vote.

Mr. President, I yield the floor, and I ask unanimous consent that the time during the quorum be equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3772, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 561, S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

Harry Reid, Patrick J. Leahy, John F. Kerry, Carl Levin, Jack Reed, Bernard Sanders, Benjamin L. Cardin, Frank R. Lautenberg, Ron Wyden, Tom Harkin, Amy Klobuchar, Sherrod Brown, Kirsten E. Gillibrand, Christopher J. Dodd, Patty Murray, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—58

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Warner
Dodd	Manchin	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I am very disappointed that the Paycheck Fairness Act was filibustered today.

The Paycheck Fairness Act passed the House on January 9, 2009, by a vote of 256–163 and Senate passage is long overdue.

This critical legislation will strengthen the Equal Pay Act and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

Although the wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, gender-based wage discrimination remains a problem for women in the workforce.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. The Institute of Women's Policy Research found that this wage disparity will cost women anywhere from $400,000 to $2 million over a lifetime in lost wages. Today an average college-educated woman working full time earns as much as $15,000 less than a college-educated male. Working families lose $200 billion in income per year due to the wage gap between men and women.

Pay discrimination is hurting our middle class families and hurting our economy. Loopholes created by the courts and weak sanctions in the law have allowed many employers to avoid liability for engaging in gender-based pay discrimination.

That is why the Paycheck Fairness Act is so important.

The bill closes loopholes that have allowed employers to justify pay discrimination and prohibits employers from retaliating against employees who share salary information with their co-workers. It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination—such as race, disability or age—by allowing women to sue for compensatory and punitive damages. And it also requires the Department of Labor to enhance outreach and training efforts to work with employers in order to eliminate pay disparities.

One of the 111th Congress's most important achievements was passing the Lilly Ledbetter Equal Pay Restoration Act. That legislation, which is now law, ensures that women who have been the victims of pay discrimination get their day in court and can challenge employers that willingly pay them less for the same work.

The Equal Pay Restoration Act honors the legacy of Lilly Ledbetter, a supervisor at a Goodyear Tire Plant in Alabama, who after 19 years of service discovered she had earned 20 to 40 percent less than her male counterparts for doing the exact same job.

Today we had another important opportunity to honor the legacy of women like Lilly Ledbetter by passing this legislation.

But instead of standing up for equal economic opportunity for women, Republicans said no, and filibustered this important bill.

I am very disappointed by this outcome, but I want my colleagues to know that we will not give up this fight.

Mr. WHITEHOUSE. Mr. President, I rise today to express my disappointment in the failure of the Senate to invoke cloture on the Paycheck Fairness Act. After our triumph 2 years ago in advancing gender equality through the Lilly Ledbetter Act, the first piece of legislation signed by President Obama, the Paycheck Fairness Act would have been another step towards ending gender discrimination in the workplace.

Four decades after the Equal Pay Act was signed into law, women still earn only 77 cents for every dollar earned by their male counterparts. That equates to almost $11,000 less per year. In Rhode Island, women on average make approximately $36,500 where men make $49,000. For full-time, college educated Rhode Island workers over 25 years old, women make an average of $55,000, while men average $70,000. This is simply unacceptable and shows that the

remedies provided by current law are not adequate. Those who dismiss the disparity as a consequence of women's ''choice of work'' ignore the fact that the wage gap exists even in highly skilled industries such as aerospace engineering and network systems and data communications analysis.

The Paycheck Fairness Act would have required employers seeking to pay women less money than their male counterparts to justify the difference with legitimate business factors. It would also have allowed women to compare their wages to those of their colleagues in the same county, not just their own office, providing a larger and fairer pool of comparative examples. And the bill would have allowed women to receive punitive and compensatory damages equal to those in cases of race-based discrimination. We owe it to the hard-working women of the United States, especially in these difficult economic times, when every penny of every paycheck counts, to continue to fight for equality.

I commend the bill's original sponsor, Secretary Clinton, as well as Senator DODD and Senator MIKULSKI, who have worked so hard to bring attention to the issue of gender discrimination in the workplace. I will continue to fight alongside my colleagues for the passage of the Paycheck Fairness Act.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Tom Harkin, Richard Durbin, Jeff Bingaman, Max Baucus, Tom Udall, Jon Tester, Benjamin L. Cardin, Jeanne Shaheen, Frank R. Lautenberg, Herb Kohl, Robert P. Casey, Jr., Jack Reed, Thomas R. Carper, Bill Nelson, Kent Conrad, Carl Levin, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—74

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Gregg	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson	Shaheen
Burr	Kerry	Snowe
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Thune
Casey	Leahy	Udall (CO)
Collins	LeMieux	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Enzi	Menendez	

NAYS—25

Bennett	DeMint	McConnell
Bond	Ensign	Nelson (NE)
Brownback	Graham	Risch
Bunning	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I am an original cosponsor of S. 510, the bill we just invoked cloture on, and as I said before the vote, I was going to actually have to vote against cloture and I would speak after the vote as to why because we were up against a timeline. I wish to take a minute to say I regret to have had to vote against cloture. Now that cloture has been invoked, I guess we will go to the bill, and, hopefully, we can make the necessary changes in it to improve this bill. But, frankly, the bill I originally cosponsored is not the bill that is coming to the floor today. It has been changed in some material ways. As late as this morning there were changes being made, and I understand there are discussions going on right now that may even change it again.

First, let me say that the issue of food safety is an issue that is of primary importance. We need to make sure the food that is put in the retail stores as well as in restaurants and every other location in America is absolutely the safest, highest quality food product anywhere in the world. That has always been our reputation.

But there are some gaps in the food safety inspection program in the United States today that have allowed some things to happen. We had a situation in Georgia 2 years ago where we found salmonella in some peanut butter in a location in south Georgia—a manufacturing location. And while FDA had the authority to go in and make an inspection, the way they actually inspected it was on a contract basis through the Georgia Department of Agriculture. They didn't have the resources to do the real oversight that needed to be done. Here we had a company that had found salmonella in peanut butter with their own inspections and their own product had been sent to their contractor and salmonella was found to be positive, and yet they didn't have to report that to FDA. That has been changed in this bill, but those are the types of gaps it is important to see changed.

What is a problem to me right now is a number of things, not the least of which is the definition of what is a small farmer. Small farmers have been granted an exemption, but that provision was changed as recently as this morning. I understand, also, that it is up for discussion again now. But the definition currently in the bill is that a small farmer is determined to be a farmer with gross receipts smaller than $500,000. Well, unfortunately, or fortunately, in my part of the world, cotton today is selling at $1.50 a pound. A bale is 500 pounds. It doesn't take many bales to reach $500,000 in gross receipts from the sale of cotton, and that doesn't count peanuts and wheat and corn and whatever else may go along with it. So trying to put an arbitrary number such as that, and saying if you have gross receipts in excess of that number the FDA has the authority to come on your farm, but if you have less than that they do not have the authority, I think it is not the proper way to go.

Secondly, with respect to that issue, even if they are exempt as a small farmer, they still have a mandate of a huge amount of paperwork that has to go along with their production on an annual basis. So I don't know what is going to happen with respect to the amendment process. We have heard there may be a filling of the tree and there will be no amendments. I hope that is not the case. I hope we have the opportunity to have an unlimited amount of amendments and that we can get the bill corrected and can then make it, at the end of the day, a good bill that will generate a significant vote on this floor. We have also heard there may be no amendments that are

going to be allowed and, obviously, without a definite understanding on that, I had to be opposed to the bill.

Let me say one other issue that concerns me is an amendment that was filed by Senator TESTER. I know his heart is in the right place, but no less than about 30 national agricultural groups wrote a letter to Chairman HARKIN, as well as to Ranking Member ENZI, on Monday saying they were opposed to that amendment and, if it is included in the bill, they are going to be opposed to the bill. That again is one of these eleventh-hour issues that remains undecided.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 2010.

Hon. TOM HARKIN,
Chairman—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.
Hon. MICHAEL B. ENZI,
Ranking Member—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: The safety of this nation's food supply is the highest priority for the food and agricultural organizations represented on this letter. As the Senate advances sound public policy to maximize public health and ensure consumer confidence in our food safety system, we understand the Senate may consider amendments to S. 510, the ''Food Safety Modernization Act,'' that would exempt certain segments of the food industry from food safety requirements contained in this legislation. In particular, we understand that these amendments target exemptions based on the size of farms and type of marketing operation.

The undersigned organizations represent the vast majority of growers, producers, shippers, distributors, processors, packers, and wholesalers, and the vast majority of our members are small businesses. We believe an operation's size, the growing practices used, or its proximity to customers does not determine whether the food offered is safe. What matters is that the operation implements prudent product safety practices, whether the product is purchased at a roadside stand, a farmers' Market, or a large supermarket. We support FDA food safety programs developed through a scientific, risk-based approach and that benefit public health.

For the public to have confidence in the food safety system, Congress and federal regulators must bring all segments of the food production and processing system into compliance with national safety standards. We believe technical assistance, training, extended transition timeframes for compliance, and financial support are more appropriate ways to assist small businesses throughout the food distribution chain to comply with important food safety standards. We urge the Senate to incorporate these types of provisions into the final bill rather than provide blanket exemptions.

We urge the Senate to reject the notion of providing blanket exemptions for segments of the food industry based solely upon size, location, or type of operation. Consumers should be able to rely on a federal food safety framework that sets appropriate standards for all products in the marketplace.

Sincerely,

American Feed Industry Association; American Frozen Food Institute; American Fruit and Vegetable Processors and Growers Coalition; American Meat Institute; American Mushroom Institute; California Grape and Tree Fruit League; Corn Refiners Association; Florida Tomato Exchange; Fresh Produce Association of the Americas; Georgia Fruit and Vegetable Growers Association; Idaho Potato Commission; International Dairy Foods Association; National Council of Farmer Cooperatives; National Chicken Council; National Farmers Union; National Grain and Feed Association; National Meat Association; National Milk Producers Federation; National Oilseed Processors Association; National Pork Producers Council; National Potato Council; National Turkey Federation; National Watermelon Association; Pet Food Institute; Produce Marketing Association; Shelf-Stable Food Processors Association; Texas Produce Association; United Egg Producers; United Fresh Produce Association; U.S. Apple Association; Western Growers Association.

Mr. CHAMBLISS. Mr. President, I hope that at the end of the day amendments will be allowed; that we can come up with a bill that is positive and that closes these gaps we have in the food safety inspection program in this country.

Senator KLOBUCHAR and I have worked very hard on a provision that is included in the base bill that will improve the inspection process and make it easier and give more authority and, more importantly, more teeth to the folks who are charged with doing the inspections. If that is the case, and we can get the right amendments done, then perhaps we can get a true bipartisan bill passed and one we can all feel good about supporting.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

SECOND OPINION

Mr. BARRASSO. Mr. President, a couple of weeks ago, Americans voted. They voted for more jobs, for less spending and, of course, for smaller government. As you know, I have come to the Senate floor week after week to give a doctor's second opinion about the health care law. Polling shows that 58 percent of Americans voting on election day still want to repeal and replace the President's new health care law.

Americans have made it clear they oppose this new policy that put Washington between patients and their doctors. The day after the election, President Obama was asked about his health care law's impact on the election. He didn't seem to understand the message from the American people. It appears to me that the President continues to believe the American people liked his policy but just didn't like his sales pitch.

Well, in the President's first year alone, he participated in 42 press conferences, gave 158 interviews—including 5 Sunday shows all in 1 day—held 23 townhall meetings and had 7 campaign rallies. In fact, there were only 21 days in that entire first year when the President had no public or press events. Clearly, the American people heard the President's sales pitch; they just didn't want to buy his product. Nevertheless, the President and this Congress proceeded to force this new health care law upon the American people, and they paid a heavy price in the 2010 elections when Americans voted for candidates who vowed to overturn the President's new law.

Republicans have listened to the American people and are committed to ensuring that America's health care system continues to remain the best in the world. As a physician, as well as a Member of the Senate, I listened carefully to the discussions and the debate during the entire campaign season. I listened to what candidates had to say on both sides of the aisle, I listened to what Americans had to say all over the country, and I put together something called United Against Obamacare. It is a compendium of comments and statements made by the 13 newly elected Republican Senators to this body who will take office within the next 2 months. Let me read sentences taken from statements each of them made about health care.

I view the health care bill as the single greatest assault to our freedom in my lifetime.

The thing that worries me the most about this bill, 2,000 pages of all kinds of mandates, huge new government control of health care, is that in time—and it won't be much time—the government is going to intervene between patients and their doctor.

That first sentence was by Senator-elect Johnson and the next sentence was from Senator-elect Toomey.

I don't want the government to tell me what is acceptable and unacceptable about my health care options. I want my doctor to tell me what's best for my care.

That statement was made by Senator-elect Boozman.

It is not supported by the American people. They do not want one size fits all health care.

A statement made by Senator-elect Coats.

Government control of health care will reduce competition, limit personal choices, and increase overall costs.

A statement made by Senator-elect Hoeven.

I think premiums will rise, and as people begin to deal with the penalties of Obamacare, we will have more loss of jobs.

That was Senator-elect Rand Paul. Next:

We're becoming less competitive every time government increases the cost of being in business—and if it's a problem for a large business, my small business men and women will have even greater struggles to overcome.

That was Senator-elect Moran. Next:

I do not think that 12 new taxes and cuts to Medicare are in the interest of the people.

That was Senator-elect Kirk.

It's going to bankrupt America, it adds $2.5 trillion to our debt in the long term.

That is Senator-elect Rubio.

That's why it's important to keep the repeal effort alive. What we owe is not a Republican issue or a Democratic issue. It is an American issue.

Senator-elect Ayotte.

Every possible means must be applied within Congress as well as through the application of the Constitution and the law to stop full implementation of this legislation.

Senator-elect Lee.

I have proposed over a dozen health care solutions to help reduce the cost of health care.

Senator-elect Blunt. And in conclusion:

I can tell you at least one thing coming . . . When it comes time to vote to repeal health care, I vote yes.

Senator-elect Portman.

That is United Against Obamacare and statements made by the men and women who were recently elected to the Senate on the Republican side of the aisle.

We will fight to repeal the law and replace it with legislation that will help patients and providers and taxpayers.

During his recent press conference, President Obama also said that if Republicans have ideas for how to improve our health care system, he would now be happy to consider them. Well, it would have been nice if he had considered our ideas during the last 2 years but better late than never. Since the President was sworn in, Republicans have proposed a host of proposals that will improve health care in America. Today, I wish to walk through some of the Republican ideas that are strongly supported by a majority of the American people.

First, if Congress wanted to truly demonstrate that it got the message—if it truly wanted to demonstrate that it got the message—the House and the Senate would immediately repeal the President's new health care law. Senator DEMINT currently has a bill that would repeal the health care law in its entirety. By passing this law, we could ensure that the American people will get the reform they want.

It is unlikely that Democrats will vote for a straight up-or-down repeal bill, and even less likely that the President would sign it into law. So I wish to talk about other Republican proposals that would eliminate some of the most egregious portions of the President's new health care law.

Senator HATCH of Utah proposed the American Job Protection Act. It repeals the health care law's job-killing employer mandate. It strikes relevant sections in the health care law forcing employers to provide health insurance to their employees or face a penalty.

Senator HATCH has also introduced the American Liberty Restoration Act. It repeals the health care law's individual mandate—the mandate requiring all Americans to buy health insurance. The Federal Government has never before forced the American people to purchase a product, a good, or a service they may not want. We should overturn this unconstitutional mandate.

Senator JOHANNS introduced the Small Business Paperwork Elimination Act. It repeals section 9006 of the health care law. Section 9006 requires business owners to submit separate 1099 reporting forms for each business-to-business transaction totaling more than $600 over the course of a year. Small business owners now, with this law, have to file 1099 forms for basic business expenses, such as phone service, Internet service, shipping costs, and office supplies. This only serves to increase the cost to own and to operate a business. Why? Because, according to the law, they will then be able to provide $17 billion more in taxes to pay for this unwanted health care law.

Senator CORNYN introduced the Health Care Bureaucrats Elimination Act. It repeals the health care law's Independent Payment Advisory Board. This bill would remove the unelected, unaccountable bureaucrats from their position of making Medicare payment and reimbursement decisions.

Senator ENZI offered the grandfather regulation resolution of disapproval. This resolution overturns a new Obama administration health care law regulation. President Obama repeatedly promised: If you like what you have, you can keep it. This so-called grandfather regulation breaks that promise. The new regulation was supposed to spare businesses already providing health insurance to their workers many of the higher costs of new mandates imposed by the health care law. If businesses lose this so-called grandfathered status, then they will be required to comply with all the new insurance mandates in the law. This includes requirements to offer a Federal minimum benefit package and to waive copayments for certain services. This will force our small businesses to change plans and increase costs.

In fact, the regulation—and it is a regulation where they took two pages of the law and blew it into 121 pages of regulations—the regulation estimates that fully 80 percent of small businesses can expect to lose their grandfathered status based on the extensive regulations the administration wrote. This is a job-killing, wage-cutting regulation. Certainly, this is not the reform the American people were promised.

Also, just this week, Leader MCCONNELL is filing an amicus brief regarding the health care litigation that is currently pending in Florida's Federal court. His brief argues that the individual mandate is not authorized by Congress and that the Government cannot use the commerce clause to force citizens to buy a product.

This list of ideas represents only a fraction of the Republican ideas currently on the table. If the President is serious about working with us, he will consider our constructive proposals. If not, he will continue to see the American people strongly speak out against his expensive, overreaching, and ideological agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I know Senator BARRASSO is relatively new in Washington, House or Senate. I appreciate his words. I am not talking about him. But there are so many opponents of this health care legislation.

First of all, regarding some of the partisan opponents of this law—the American people do not want to see us relitigate and redebate the health care legislation. They want some focus on job growth. But what strikes me as a bit hypocritical—again, I am not singling out Senator BARRASSO because he has not been here very long—there are so many Members in the House of Representatives and in the Senate who have enjoyed government health care for a decade or two or three, where taxpayers paid for their health care. Those conservative Members did nothing, zero, to help those people without insurance, to help those people who had preexisting conditions, to help those people close the doughnut hole, help senior citizens to get help on their drug costs.

Now they want to repeal the health care bill. In other words, they want to keep their government insurance for themselves, but they don't seem to want to help anybody else out there. It just sickens me.

More important, I don't think the public wants us to continue debating health care. The public wants us to work on job growth, to focus on things like I did in Ohio Monday where I gathered 300 small businesses, people who make things, who want to sell to major aerospace manufacturers, in this case Airbus in my State, putting people to work—because that is what it is all about.

Mr. President, I want to speak for a moment about food safety. It is tempting to take the safety of our food supply as given, but it is actually more a goal, one that continues to elude us. Each year in the United States 76 million people contract a foodborne illness. Some get mildly sick, some get very sick, a few actually die. The Centers for Disease Control and Prevention estimates that more than a few, 5,000 people a year, die from foodborne illness. These are mostly not people in their thirties who are healthy. It is the very young, very old, those whose health may be frail, whose health may not be as strong as others'. Nonetheless, 5,000 people die a year.

Over the last few years we faced melamine in infant formula, harmful seafood from China, tainted peppers from Mexico, E. coli in spinach, Salmonella in peanuts. Sometimes it is international problems. Sometimes it is domestic problems. International problems mean we ought to be looking at

trade policy closer than we have, but that is a debate for another day.

A few months ago we had a nationwide recall of eggs due to Salmonella contamination. Just this week we saw a recall of smoked turkey breast products because of Listeria contamination. The safety of Americans is threatened by a regulatory structure that has failed to keep pace with modern changes in food production, processing, and marketing.

We have at our grocery stores a wonderful thing. We have all kinds of selections: fresh fruits and vegetables and fish and all kinds of foods we didn't have when I was growing up in the 1960s in Mansfield, OH. We did not have that kind of selection in food stores, especially in the winter months. Now we do. That is a great thing, but we don't do what we need to do to guarantee its safety.

It is time to fix this broken system once and for all. The time has come for Congress to pass legislation that will in fact improve our country's food safety system. America's families should be able to put food on the table without fearing any kind of contamination. We shouldn't worry that the food in the school cafeterias, ballparks, grocery stores, or local restaurants will send a child to the hospital and spread panic throughout the community.

That is why I am so pleased we are considering the Food Safety Modernization Act. This legislation will address—I will talk briefly about it and then yield to my colleague from Delaware, Senator CARPER—some of the problems with our current food safety system. It will require facilities to conduct an analysis of the most likely food safety hazards and design and implement risk-based controls to prevent them. It would increase the frequency of plant inspections. It would strengthen recordkeeping requirements and food traceability systems so we know where the food came from before it gets to the grocery store. It provides the FDA with the authority to mandate food recalls, something that is voluntary now.

Most companies step forward and do it. Some do not. Some delay before they do, imposing health risks. It would ensure further study by the FDA on enhanced safety and sanitary methods for the transportation of foods, and we must ensure this includes an examination of the pallets on which our food is shipped.

At home you don't use the same cutting board for chicken that you use for vegetables, or at least you should not, because of potential food safety problems. It is the same thing with these wooden pallets because they can collect—especially wooden pallets—way more bacteria than you can imagine. We require more extensive provisions for heightened security of imports which account for an increasing share of our fresh fruits and vegetables, an increasing share of U.S. food consumption.

This bill is here today because of the strong work especially of Senator DURBIN of Illinois and Representative JOHN DINGELL of Michigan. Also, I commend Ranking Member ENZI on the HELP Committee and Chairman HARKIN and Senators DODD, BURR, and GREGG for their work.

I also commend the Kroger Company based in Cincinnati, OH, for the work they and other grocery store chains and other food processing companies have done collectively to make sure this legislation works for them on the traceability issue. Many of them, many of these companies, have already set up good traceability provisions by themselves without government involvement. I think Kroger is especially to be commended for doing that. The best way to ensure the FDA can decisively respond to foodborne outbreaks is to authorize a comprehensive food tracing system, as I mentioned.

Earlier this year I introduced S. 425, the Food Safety and Tracing Improvement Act. It would improve the ability of Federal agencies to trace the origins of all contaminated food. I am very pleased that important components and goals of my legislation are included in the managers' amendment. With the addition of these stronger traceability provisions, the FDA will be tasked with establishing a tracing system for both unprocessed and processed food, such as peanut butter. The 2008–2009 peanut butter Salmonella outbreak which sickened more than 700 people and resulted in 9 deaths demonstrates exactly why the FDA needs expanded authority to trace foods.

One victim of the peanut butter Salmonella outbreak was Nellie Napier of Medina, OH. Ms. Napier was an 80-year-old mother of 6 children, 13 grandchildren, and 11 great-grandchildren. She got ill in January of 2009, almost 2 years ago, after eating a peanut butter product tainted with Salmonella. When she got sick, doctors told her family there was nothing they could do and she died shortly thereafter.

The FDA was able to identify the source of the outbreak in a short period of time, but it was incredibly difficult and time consuming for the FDA to determine where all the contaminated peanut butter ended up. The source company sold to 85 other companies. They sold to another 1,500 companies, and many of those companies sold to other companies. There were no trace-back provisions to be able to help and warn others of potential contamination.

Last year, the Inspector General released a report entitled ''Traceability in the Food Supply Chain.'' This report identified significant and unacceptable difficulties in tracing food through the supply chain. The report attempted to trace 40 products through each stage of the food supply chain. They were able only to trace 5 of the 40. That is why we know how important this legislation is. We required the FDA to establish a product tracing system and develop additional recordkeeping requirements for foods the FDA determines to be high risk. We require the Comptroller General to examine and provide recommendations regarding how to further improve the product tracing system. We don't know everything yet that we need to do. This gives the FDA and the Comptroller General guidance and leadership and the authority, in addition to what we have done, to do it in the right way.

I thank Senators HARKIN, ENZI, DURBIN, BURR, DODD, and GREGG for the work they have done, and Representative DIANA DEGETTE from Denver and Senators MERKLEY and FRANKEN, who have been particularly strong advocates working with me.

The goal is to make food safety a foregone conclusion. It is what Americans expect. It is what we have had through many years. We have moved away from that. This puts us right on course to do it right.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR BURRIS

Mr. CARPER. Mr. President, first, let me say I have had the pleasure any number of times, as I think have most all of our colleagues, to be recognized by the Presiding Officer. Many times it is you. I know you will be leaving us soon—2 days—but it has been a real pleasure to serve with you. I appreciate not only having the opportunity to work in the Senate with you but on our committees and subcommittees. You have been a great colleague. We are going to miss you.

HEALTH CARE

Senator BARRASSO was speaking earlier, talking about the health care legislation. One of the means of paying for part of the health care reform—you may recall the Congressional Budget Office has said health care reform is expected to actually reduce the budget deficit by about $100 billion over the next 10 years and by about another $1 trillion in the 10 years following that. Part of our challenge is to make sure we do that, that potential for deficit reduction is realized.

One of the provisions in the health care bill calls for businesses, large and small, to submit form 1099s when they make a purchase of a service or a good from some other business. That can be an administrative burden for businesses.

The reason it was put in the bill was because it is a big cash economy and there is a huge tax gap of money that is owed to the Treasury. Last time the IRS estimated, they said it was about $300 billion in moneys owed to the Treasury not being paid, in many cases by businesses—in a lot of cases where they work on a for-cash basis. The IRS

has asked us forever to do something about that problem. We tried to do it in the context of health care reform and use it for part of the way to pay for the health care costs.

We are going to come back and fix that issue—particularly the concerns raised by smaller businesses that this is an administrative burden—to see if there is a way to make it a lot less burdensome but at the same time to see if there is a way to close the tax gap.

The idea that those of us paying our fair share of taxes know a number of folks and businesses are not is enough to make our blood boil. We have to fix that and at the same time not create an unneeded burden for businesses in complying.

We just had a hearing in the Finance Committee this morning. The hearing was one sought by Republicans but also looked forward to by Democrats. Our speaker was Dr. Donald Berwick, whom you may know is the new administrator appointed by the President—a recess appointment because he expected that we would have a very difficult time getting him confirmed. We still have holes in the current administration where we cannot get people confirmed on the floor, whether it is for Assistant Secretary or Under Secretary—all kinds of provisions. I call it administration Swiss Cheese, and it is hard to try to govern. The administration realized that early on in a place like CMS, which stands for Centers for Medicare and Medicaid Services.

In that position, we needed someone—we needed someone like yesterday—and it looked as if we would have a tough and probably a long confirmation fight with Dr. Berwick. We just went ahead and made the recess appointment when we were in recess. So he is on the job now.

I did not know what to expect in the hearing. Would it be vitriolic? Dr. Berwick did not ask to be a recess appointee. He said the President asked him to serve and he said he would serve. I think he hit the deck running and is doing a very nice job. I think the hearing today was more positive, more focused on issues and results than I had expected it would be.

When we passed health care reform earlier this year, for me, having worked on it with my colleagues on the Finance Committee for about, gosh, over a year, my focus at the time was, How do we get better results for less money? And we have a lot of people, as we know, who do not have health care coverage at all. We need to extend coverage to them or as many of them as we can. But unless we also figure out how to get better health care outcomes for less money, we are not going to be able to sustain extending coverage to people who do not have it. So we have to do both. And a good deal of what Dr. Berwick testified to today was, How do we provide better results for less money?

One of the aspects of the legislation he spoke to which is about to be implemented in less than 2 months focuses on Medicare and it focuses on our senior citizens.

As many of us know, since 2006 there has been a Medicare prescription drug program. We call it Part D. Medicare has Parts A and B, which is doctor care and hospital care, it has Part C, which is Medicare Advantage, and it has Part D, which is the prescription drug program. In Part D, when we actually adopted it, we said that the first roughly $3,000 of name-brand drugs Medicare recipients take in a year—Medicare pays roughly 75 percent of the first $3,000. The individual pays the rest. Everything over $6,000 in name-brand drugs that a person takes in a year in this program—Medicare covers about 95 percent of everything over $6,000. For most people, everything between $3,000 and $6,000 in a year, Medicare pays zero. That is called the doughnut hole.

Come January 1, the doughnut hole is going to be about half filled, and we will find that instead of Medicare paying zero for name-brand drugs bought by Medicare recipients purchasing between $3,000 and $6,000 per year, Medicare will pay 50 percent. Over the next 10 years, Medicare will pay more each year. When we get to 2020, Medicare will be covering 75 percent of the cost of those name-brand drugs. That will accomplish a couple of things. One, you and I know, Mr. President, that there are people in Illinois, Delaware, and other States who stop taking their medicines. They stop taking their medicines in the Medicare prescription drug program because they fall in the doughnut hole and Medicare, for them, is providing zero. That is going to change. And a lot of people who don't take their medicines, unfortunately, get sick, they end up in hospitals, and it becomes very expensive for us to take care of them, instead of taking maybe a relatively inexpensive medicine. We are going to begin to address that in a very substantial way on January 1.

Who pays that 50 percent? The pharmaceutical companies. Not the taxpayers, not the Treasury, the pharmaceutical companies. And as we march from 50 percent up to 75 percent in 2020, the pharmaceutical companies have agreed to meet those costs. We are happy about that, grateful for that. They deserve some credit for that.

Another benefit Dr. Berwick talked about is annual physicals. Right now a person reaches age 65, they are eligible for Medicare, and they get a one-time-only welcome-to-Medicare physical. They can live to be 105 and they will never get another one.

Under the law, beginning in January, 2 months from now, Medicare recipients will be eligible for an annual physical for the rest of their lives. If they live to be 105, if they start at 65, they will get 40 of them. The idea is—and they include cognitive screening as well, the physical by their own doctors and nurses—the idea there is to catch problems when they are small and can be fixed and cared for rather than when people get really sick and end up in hospitals, which costs, as we know, a boatload of money.

The third thing he mentioned to all of us, in addition to the doughnut hole and the annual physicals, is copays. In Medicare, there is a copay for a lot of preventive screening—colonoscopies, mammographies, those kinds of things—and a lot of the time these Medicare recipients do not have the money. They do not have the money to pay for the copays, so they do not get the colonoscopies or they do not get the mammographies, they do not get the preventive screening, and then they get very sick, and the rest of us pay the tab. That is not smart.

Starting in January, the copays for those preventive screenings go away. We want the people to get the mammographies, we want them to get the colonoscopies when they are due to get them. In doing that, we are going to save money in the long haul.

The last thing I wish to mention is that there is a lot of fraud in Medicare. There is a lot of fraud in Medicaid. There are great provisions in the legislation that will enable us to go after fraud in Medicare, in Parts A and B, which is doctor care and hospital care; Part C, which is Medicare Advantage; and in Part D.

We have been given a little start to this in working on Medicare fraud cost recovery in about five States for the last couple of years. Last year, I think we recovered about $1 billion in five States. Next year, we are going to start doing Medicare cost recovery in all 50 States. We hire private contractors. Out of every dollar they collect from fraud, 90 cents goes back into the Medicare trust fund and the private company keeps 10 cents. That is how they get paid. We are going to be able to extend the life of Medicare a whole lot because of this.

Not only are we going to be going after waste, fraud, and abuse in a very smart way, recovering money in a very smart way, we are also going to do it in Medicaid. We are also doing the same kind of thing in Medicaid. We have asked senior citizens from across the country to sign up and be part of a posse almost and to go out and help us identify the fraud. As we do that, we will be able to recover more money still.

So that is a little bit of what Dr. Berwick talked about today. I thought it was a very good exchange and a very encouraging exchange as we go forward in health care reform.

Again, I appreciate the opportunity to make these remarks. It is a very special privilege to do it with you sitting in that seat today.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes, with the time to be charged against the debate postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE PERSPECTIVES

Mr. BOND. Mr. President, I have had the distinct privilege over the past 8 years of serving on the Senate Select Committee on Intelligence, serving as the committee's vice chairman for the past 4 years. In this role I have been privy to our Nation's deepest secrets, including great successes and some failures. Unfortunately, the failures usually get leaked to the media while most of the successes go unheralded. While I am not at liberty to discuss those successes here, I can witness to the fact that we have an outstanding fleet of intelligence personnel who selflessly sacrifice their time, and sometimes their lives, to protect our great Nation. Those professionals deserve our undying gratitude, and we all can be proud of their service. It has been a distinct privilege to me to oversee their work, and for their dedication to our Nation, I am ever grateful.

As I leave the Senate, having served in this privileged capacity as vice chair of the Intelligence Committee, I leave for my colleagues some thoughts, and recommendations on improvements that can be made on intelligence matters going forward, which I believe will enhance our national security.

First, let me start with the Congress. Members of Congress often like to criticize the executive branch, as is appropriate, but Congress needs to get its own house in order as well. I joined the Select Committee on Intelligence in 2003, and during the past 8 years the committee has had three chairmen: Senators ROBERTS, ROCKEFELLER, and FEINSTEIN; and two vice chairmen: Senator ROCKEFELLER and me. It has been a challenging time, and we have had our highs and our lows. After December 2004, the committee failed to pass an annual authorization bill that could become law for almost 6 years; this was due purely to politics in the Congress.

Although the committee was able to pass unanimously results from an investigation on pre-Iraq war intelligence failures, it was by and large hindered by political infighting for several years. In 2003, a memo was found written by a committee staffer that advocated attacking intelligence issues for political gain to damage the Republican administration and the Republican majorities. That memo was ultimately discredited by my friends on the other side of the aisle, but it marked a low point in the committee's history, and it should never happen again. Chairman FEINSTEIN and I have worked hard to bring the committee back into bipartisan operation of intelligence oversight. We hope that the Intelligence Authorization Act that the President signed into law recently has helped in getting the committees back on track.

One area where I strongly believe the Congress has yet to heed the warnings of the 9/11 Commission and other study groups is in reforming its approach to appropriations for intelligence. That is why in 2008, the SSCI passed a resolution to establish an appropriations subcommittee on intelligence, something the full Senate had already passed in 2004. Yet the Appropriations Committee has failed to act. I continue to believe this is vital to improving oversight and funding of our Nation's intelligence, and I urge the Senate in the next Congress to make this happen.

The past 8 years have been groundbreaking years in Intelligence, particularly as the war on terrorism has played out in Afghanistan and Iraq. As I speak today, U.S. and coalition forces in Afghanistan continue to fight terrorists—al-Qaida, the Taliban, Haqqani, and others who threaten the stability and future of the region. They fight not only to bring stability to the region but to disrupt the sanctuaries and dismantle the organizations that can and do facilitate terrorist attacks against the United States at home, our troops in the field, and our allies abroad.

My profound respect and gratitude goes out to those serving in Iraq, Afghanistan, and across the globe. We have asked so much of them and their families. They have made enormous, in some cases ultimate, sacrifices, and our Nation is forever in their debt.

As we learned in Iraq, fighting the enemy is not enough. A comprehensive counterinsurgency strategy is required. It must combine kinetic power—military attacks against terrorists and insurgents—with ''smart power''—the development of host nation capabilities and infrastructure, and a sensible mix of economic, development, educational, and diplomatic strategies. We know that understanding the complexities of the region and the forces at play puts additional burdens on the resources and capabilities of the intelligence community. But we also know that without a viable and appropriately resourced counter-insurgency strategy, we will not see success in Afghanistan, and the future of Pakistan will remain in doubt. Driving terrorist safe havens out of Afghanistan is crucial but insufficient if al-Qaida and Taliban militants continue to find sanctuary in the remote border regions of western Pakistan.

Eliminating the terrorist threat to the United States that emanates from terrorist sanctuaries in the region is our No. 1 goal. A U.S. withdrawal, in whole or in part, from Afghanistan in the near term would be a tacit, yet unambiguous, approval for the return of Taliban control of Afghanistan. In turn, this would lead to the establishment of more safe havens for many of the world's most violent and feared terrorists.

But what happens when our forces eventually pull back? Replacing those sanctuaries with secure environments and stable governance is the key to ensuring that terrorists do not gain another foothold in the future.

As we have fought this war in Iraq and in Afghanistan, we have learned a lot about al-Qaida, terrorism, and our own intelligence capabilities. On July 9, 2004, the committee unanimously issued its phase I report on the prewar intelligence assessments on Iraq. I view this truly bipartisan effort as one of the committee's most successful oversight accomplishments.

The comprehensive 511-page Iraq WMD report identified numerous analytic and collection failures in the intelligence community's work on Iraq's WMD programs. These underlying failures caused most of the major key judgments in the Iraq WMD National Intelligence Estimate to be either overstated or not supported by the underling intelligence reporting. In turn, American policymakers relied, in part, on these key judgments in deciding whether to support the war against Iraq.

The committee's Iraq WMD Report served as a valuable ''lessons-learned'' exercise. It has had a profound impact on the way the intelligence community does business and interacts with Congress and the White House. It also set the standard for future committee reviews. In my opinion, the committee members and staff who completed the project performed a great service to our Nation.

At the end of 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act. The Governmental Affairs Committee had the lead on this bill, and the act implemented a number of recommendations of the 9/11 Commission, including the creation of the Office of the Director of National Intelligence.

After 6 years, the jury is still out on the ODNI. Some have argued the office is an unnecessary bureaucratic layer. Others have said the office is too big and needs to be downsized. Still others are concerned that the DNI's authority is being undermined by decisionmakers in the White House and the Department of Justice—a point with ample evidence over the past several years. While these observations have some merit, I believe the ODNI serves an important leadership function within the intelligence community and should not be abandoned.

There is, however, room for improvement, so I sponsored a number of legislative provisions that should enhance the DNI's authorities with respect to accountability reviews and major system acquisitions. While some of these

provisions were recently signed into law, more will need to be done to strengthen the effectiveness of the ODNI.

Turning to battlefield intelligence, the committee has spent a considerable amount of time conducting oversight of the CIA's detention and interrogation program. Intelligence from detainees has proven to be a most effective source of intelligence to protect the Nation. That is why we must capture the enemy if at all possible, instead of just killing them. I am concerned lately that due to our lack of effective detention and interrogation policies today our operators in the field feel compelled to kill vice capture. This is understandable, for unless you are in Iraq or Afghanistan, where would you detain enemy combatants to the United States? More troubling to me, we seem to be releasing a number of individuals whom we have already detained, only to see more than 20 percent of them take action against us on the battlefield again. I have a comprehensive approach to this issue that I have been working on with other members that will be introduced on the floor.

Regarding the CIA's interrogation program, I believe the program produced valuable intelligence information. My opinion is not a partisan one. Recently, we learned that the Obama Justice Department and Judge Kaplan, a U.S. district judge for the Southern District of New York, agree with my assessment. Judge Kaplan is presiding over the Federal trial of Ahmed Ghailani, an alleged member of al-Qaida indicted on charges of participating in the bombings of the U.S. embassies in East Africa. Last July, Judge Kaplan agreed with the Department of Justice and found that ''on the record before the Court and as further explained in the [classified] Supplement, the CIA Program was effective in obtaining useful intelligence from Ghailani throughout his time in CIA custody.''

In March 2009, the committee began a bipartisan review of the CIA's interrogation program, based upon carefully negotiated terms of reference. Unfortunately, later that year, the Attorney General decided to re-open criminal investigations of the CIA employees involved in the CIA's detention and interrogation program. I believed then that the Attorney General's decision would impede the committee's ability to conduct interviews of key witnesses, thereby diminishing the value of the review. As a result, I withdrew minority staff from the committee's review. The majority pressed ahead and has refused to comply with committee rules to keep the minority fully and currently informed, but it soon ran into the obstacles I foresaw, with CIA personnel declining to speak with them based on the advice of counsel. And who would blame them?

The majority has spent valuable time and resources on this matter, and the CIA has conveyed that it had to pull personnel off current mission requirements to support their effort. I believe that limited committee and government resources would be better spent on topics of oversight interest on programs that are in operation today.

One of the most disturbing leaks that I have witnessed during my tenure on the committee occurred in December 2005, when the New York Times published a story describing the President's Terrorist Surveillance Program, or TSP. Some view the leakers as heroes. I do not share that view. In fact, intelligence operators in the field at the time told me that their ability to gain valuable information was reduced dramatically. Michael Hayden, then Director of the CIA, stated that we had begun to apply the Darwinian theory to terrorism because from then on we would only be catching the dumb ones. Frankly, I am amazed the Department of Justice has yet to prosecute Thomas Tamm, a DOJ attorney who openly bragged in a Newsweek article that he intentionally revealed information about this highly classified and compartmented program. Tamm and his fellow leakers are traitors who have done serious damage to our national security. Yet this administration refuses to prosecute this open and shut case. Why?

In order to ease concerns of critics, the President's TSP was submitted to and approved by the Foreign Intelligence Surveillance Court. Unfortunately, in May 2007, this new arrangement started to unravel when the FISA Court issued a ruling that caused significant gaps in our intelligence collection against foreign terrorists.

Although DNI Mike McConnell pleaded to Congress for help, the Congress failed to respond. Under the looming pressure of the August recess, Republican Leader MITCH MCCONNELL and I co-sponsored the Protect America Act which Congress passed in the first week of August 2007.

The act did exactly what it was intended to. It closed the intelligence gaps that threatened the security of our Nation and of our troops. But it was lacking in one important aspect. It did not provide civil liability protections from ongoing frivolous lawsuits to those private partners who assisted the intelligence community with the TSP.

Following the passage of the Protect America Act, I worked to come up with a bipartisan, permanent solution to modernize FISA and give those private partners needed civil liability protections. The committee worked closely for months with the DNI, the Department of Justice, and experts from the intelligence community to ensure that there would be no unintended operational consequences from any of the provisions included in our bipartisan product.

In February 2008, after many hearings, briefings, and much debate on the Senate floor, the Senate passed the FISA Amendments Act by a strong, bipartisan vote of 68–29. The Senate's bill reflected the Intelligence Committee's conclusion that those electronic communications service providers who assisted with the TSP acted in good faith and deserved civil liability protection from frivolous lawsuits. The Senate bill also went further than any legislation in history in protecting the potential privacy interests of U.S. persons whose communications may be acquired through foreign targeting.

After months of protracted and difficult negotiations with the House, Congress finally passed the FISA Amendments Act on July 9, 2008, and the President signed it into law the very next day. The final law achieved the goals of the original Senate bill, albeit less elegantly. While the act is more burdensome than I would prefer, we did preserve the intelligence community's ability to keep us safe, and we protected the electronic communications service providers from those frivolous lawsuits.

I consider my involvement in the passage of the Protect America Act and the FISA Amendments Act to be two of the highlights of my legislative career. There is, however, still work to be done. A number of provisions in the FISA Amendments Act are set to sunset at the end of next year. Also, there are three additional FISA provisions related to roving wiretaps, business records court orders, and the lone wolf provision, that are set to expire on February 28, 2011. I urge Congress and the President to work closely together to ensure that the provisions are made permanent, without adding unnecessary requirements or limitations that will hamper our intelligence collection capabilities.

I mentioned earlier that recently the Intelligence Authorization Act of 2010 was signed into law. When I became vice chairman of the committee in 2007, my top priority was to get an intelligence authorization bill signed into law, and I am thankful that with the leadership of Senator FEINSTEIN, we finally met that goal. The 2010 intelligence authorization bill, while light on authorization, was heavy on legislative provisions. I am pleased that a number of good government provisions which I sponsored were included in the bill.

The law imposes new requirements on the intelligence community to manage better their major systems acquisitions. Too often, we have seen IC acquisitions of major systems, i.e., over $500 million, balloon in cost and decrease in performance. These provisions will operate together to address the longstanding problem of out-of-control cost overruns in these acquisitions. Modeled on the successful Nunn-McCurdy provisions in title 10 of the United States Code, these provisions encourage greater involvement by the DNI in the acquisitions process and help the congressional intelligence committees perform more effective and timely oversight of cost increases.

Another good government provision established a requirement for the intelligence community to conduct vulnerability assessments of its major systems. A significant vulnerability in a major system can impede the operation of that system, waste taxpayer dollars, and create counterintelligence concerns. This provision requires the DNI to conduct initial and subsequent vulnerability assessments for any major system, and its items of supply, that is included in the National Intelligence Program. These assessments will ensure that any vulnerabilities or risks associated with a particular system are identified and resolved at the earliest possible stage.

A third good government provision gives the DNI the authority to conduct accountability reviews of intelligence community elements and personnel in relation to their significant failures or deficiencies. It also encourages IC elements to address internal failures or deficiencies, something they at times have been reluctant to do. In the event these elements are reluctant or unable to do so, this provision gives the DNI the authority he needs to conduct his own reviews.

Finally, my future budget projection provision requires the DNI to do what every American family does on a regular basis—map out a budget. The DNI, with the concurrence of the Office of Management and Budget, must provide congressional Intelligence Committees with a future year intelligence plan and a long-term budget projection for each fiscal year. These important planning tools will enable the DNI and the congressional intelligence communities to ''look over the horizon'' and resolve significant budgetary issues before they become problematic.

As I leave the Senate and contemplate what I have learned during my service in Congress and on the Intelligence Committee, I have a number of recommendations for future members and leaders of the committee.

One of the intelligence community's greatest failures was its complete waste of billions of dollars spent to develop satellites that never took a single picture. Senator FEINSTEIN and I have strongly voiced our abiding concern to all four DNIs that the Intelligence Community is still spending far too much money on imagery satellites that are too big, too few, and too costly. We have put forth solid alternatives that would produce more satellites at far less cost, be less fragile, and perform as well or better than the unaffordable plan in the President's budget.

Just this month, an independent analysis by some of the country's very best astrophysicists confirmed that such an alternative, based on a combination of commercial and classified technologies, was essentially as capable, but about half as expensive as the administration's program. Sadly, our ideas have met with ''NIH'' resistance—''not invented here.''

Even worse, it appears that this resistance has been based in part on the NRO's unhealthy reliance upon, and apparent subordination to, the contractor that builds these incredibly expensive satellites. In spite of this resistance, Congress saw fit to appropriate over $200 million to explore a better path forward, and I urge my colleagues in both Houses of Congress to sustain that effort. I also urge the new DNI, in the strongest terms, to reconsider this issue afresh, and with an open mind. Our committee recommended his confirmation on the hope and expectation that he would do so.

The committee has been following the cyber threat issue for a long time. Cyber attacks happen every day. Our government, businesses, citizens, and even social networking sites all have been hit.

In an ever increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to implement war strategies, successful cyber attacks can be devastating. Unless our private sector and government start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

Senator HATCH and I introduced a legislative proposal that takes the first step by creating a solid infrastructure that is responsible and accountable for coordinating our government's cyber efforts. The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public/private partnership to facilitate sharing cyber threat information, research, and technical support.

We believe that once this infrastructure is established, the assembled government and private sector experts will be able to provide guidance on the next steps—including any further legislation—needed to enhance our our cyber safety.

In the aftermath of 9/11, we captured hundreds of al-Qaida terrorists and associates. Many of these could be called low-level fighters—of the same type as the 9/11 hijackers but no less dangerous to our security. Others, such as 9/11 mastermind Khalid Sheikh Mohammed and senior al-Qaida operative Abu Zubaydah, were identified as high-value detainees and placed in the CIA's interrogation and detention program.

After details about the program were leaked in the Washington Post, the President announced, in September 2006, that these high-value detainees would be transferred to the detention facility at Guantanamo Bay. Since 2002, Gitmo has housed terrorists picked up on the battlefield or suspected of terrorist activities. Today, 174 detainees remain at Gitmo.

In 2008, in a sharply divided opinion and despite clear language from Congress to the contrary, the Supreme Court gave Gitmo detainees the constitutional right to challenge their detention in our courts. Since then, 38 detainees have successfully challenged their detention.

With the recidivism rate for former Gitmo detainees at over 20 percent, Congress must step in once again and draw some boundaries. We cannot afford to let more potentially dangerous detainees go free. We need a clear, consistent framework for these habeas challenges with a standard of proof that takes into account the wartime conditions under which many of these detainees were captured. It is unreasonable to hold the government to the standards and evidentiary tests that apply in ordinary habeas cases. There is nothing ordinary about war and our habeas laws must reflect that.

Now that the President has abolished the CIA's program and ordered the closure of Gitmo, we need clear policies for holding and questioning suspected terrorists, especially overseas. We must abandon the automatic impulse to Mirandize terrorists captured inside the United States. Prosecution can be a very effective response to terrorism, but it must never take precedence over getting potential lifesaving intelligence.

I have been working with several of my colleagues on legislation that would set clear lines for law of war detention and habeas challenges. Our Nation should not risk another Gitmo detainee rejoining the fight. We cannot risk losing more and timely intelligence because we have no system for detaining and interrogating terrorists. These are critical national security issues and Congress's voice must be heard as soon as possible.

Last December, Umar Farouk Abdulmutallab attempted to blow up a Northwest Airlines flight as it headed to Detroit. Shortly after the failed attack, al-Qaida in the Arabian peninsula claimed responsibility. AQAP counts among its senior leadership and members former Gitmo detainees who have returned to their old ways. As the Christmas Day attack reminded us, rising recidivism rates for Gitmo detainees are more than just a statistic and claims that a 20-percent recidivism rate ''isn't that bad''—as one senior administration official put it—must be challenged.

As part of its goal to close Gitmo, the administration continues its efforts to persuade other countries to accept detainees. Whatever one's views on closing Gitmo, we all have an interest in making sure that no former Gitmo detainee kills or harms us or our allies. As these transfers continue, the Intelligence Committee—and Congress—must pay close attention to these and earlier transfer decisions.

As part of the committee's oversight responsibilities, staff have been traveling to those countries that accepted detainees under the current and previous administrations. They have also been reviewing assessments prepared by the intelligence community and the Guantanamo Review Task Force and other documents. A lot of work has been done, but there is more to do.

Thus far, our review has raised some significant concerns. We all know that transfers to Yemen are a bad idea, but other countries may not have either the legal authority or capability to keep track of these detainees effectively. Still others simply view these former detainees as being free. If we do not know what these detainees are doing, we end up relying on luck that we will catch them before they act.

Having luck on your side is always a good thing, but it stinks as a counterrorism policy. I urge my colleagues on both sides of the aisle to pay close attention to this issue. Unfortunately, it is one that I think will continue to be around for a very long time.

I hope these reflections, observations, and recommendations will be of use to the members of the next Congress. I have been deeply honored to serve on the Intelligence Committee with my distinguished and talented colleagues. I also salute the fine men and women of the intelligence community who have given so much for the safety of our country. I wish them all well in their future endeavors.

In addition, I wish to address an obvious problem—leaks. I have already made reference to some of the more disastrous leaks that occurred during my tenure, but unfortunately, these were just the tip of the iceberg. There are simply too many to list. I shudder to think about the sources and methods that have been disclosed, and the lives that will likely be lost, as a result of the obscene amount of classified information compromised by Wikileaks. Of course, to call this a leak case is gross mischaracterization; it is more like a tidal wave.

We are blessed with our open society and our many freedoms. However, our ability to protect these freedoms and preserve our national security depends upon our ability to keep our secrets safe.

This problem needs a multifaceted solution. We must first deter and neutralize the leakers. There should be significant criminal, civil, and administrative sanctions that can be imposed on leakers. Leakers should face significant jail time, pay heavy fines, forfeit any profits, lose their pensions, and be fired from their jobs. We should also not allow the first amendment to be used as a shield for criminal activity. It should be a crime to knowingly solicit a person to reveal classified information for an unauthorized purpose or to knowingly publish or possess such information. Leaks will not stop until a significant number of leakers have been appropriately punished.

Other steps may lessen the problem. Government agencies in possession of classified information should ensure that information is properly classified in the first instance and that their employees are thoroughly trained in security procedures. Also, we should explore technological solutions for tracking classified documents and establishing singular audit trails.

On a related issue, we also need to ensure that the security clearance process is repaired. An excellent interagency reform process has applied more resources and better processes to increase the efficiency of the system, eliminate backlogs, and in many cases, shorten the time required to process a security clearance. Although significant progress has been achieved in recent years, there is still a lot of room for improvement. We must continue to use technology to wring more efficiency from the security clearance system, and make it less of an obstacle to success for our intelligence and law enforcement agencies.

Just as importantly, we must modernize the security clearance system to make it a more useful measure of suitability for serving in sensitive government positions. The interagency security clearance reform process is studying a new process, called ''continuous evaluation,'' which seeks to use automated records checks and other similar processes to assess risk in populations of cleared personnel on a regular basis, rather than waiting five years to conduct a reinvestigation, as we currently do.

The devil will be in the details, but I believe a ''continuous evaluation'' system could be much more effective than our current practices in detecting security threats in our agencies before they become a problem.

The use of biometrics—fingerprints, DNA, facial recognition scans, and the like—has yielded dramatic dividends on the battlefields of Iraq and Afghanistan, and is a vital tool for detecting terrorist threats before they arrive on our shores. Biometrics help us separate the good guys from the bad guys on the battlefield, and can ensure that we know that the foreign tourist, businessman, or student who wants to visit the United States is not actually a dangerous terrorist.

We have made significant progress in the collection and use of biometric data in the last decade, but there are still too many policy and procedural obstacles to sharing biometric data between U.S. Government agencies. Moreover, far too much of the funding for these important biometric efforts is contained in supplemental funding requests.

We need to continue breaking down the barriers to sharing biometric data. We need a roadmap in the base intelligence budget for the permanent sustainment of our biometric efforts in the decades to come. Biometrics must remain an important tool for dealing with national security threats well beyond the end of combat operations in Iraq and Afghanistan.

The committee spent much of 2005 and 2006 working on legislation related to the expiring provisions of the USA PATRIOT Act. We held numerous hearings and reported out a bill that contained a number of provisions that were ultimately included in the USA PATRIOT Improvement and Reauthorization Act.

Among other things, the act made permanent 14 of the 16 USA PATRIOT Act provisions that were set to expire at the end of 2006. It extended the sunsets of three FISA provisions—roving wiretaps; business record court orders; and lone wolf—until the end of 2009. Also, it created a new National Security Division within the Department of Justice, supervised by a new assistant attorney general, with the goal of ensuring that the information sharing walls that existed prior to 9/11 are never reconstructed.

Since the terrorist attacks of September 11, the size and budget of the intelligence community has nearly doubled, and much of that growth has been in the IC's analytic community. Even as we hire more and more analysts to focus on national intelligence priorities, most of them work on current and tactical missions—answering questions and giving briefings on near-term issues—without ever producing a deep understanding of longer term critical issues.

Furthermore, the intelligence community continues to operate as a loose confederation, with no universal standards for analytic training, tools, technology, and personnel policies. These issues, coupled with a lack of a federated communitywide analytic work plan, often result in redundant or conflicting analyses, and in some cases, a major gap in coverage or understanding of issues of significant concern. It is time for the ODNI to bring analytic direction and standards to the IC so that the analytic community can become a true community of analysts.

I have often voiced my concern about the abysmal state of the intelligence community's foreign language programs and the slow pace of progress in correcting deficiencies. The collection of intelligence depends heavily upon language, whether information is gathered in the field from a human source or from a technical collection system.

More than 9 years after 9/11, and more than a year after a major shift in focus in Afghanistan and Pakistan, the cadre of intelligence professionals capable of speaking, reading, or understanding critical regional languages such as Pashto, Dari, or Urdu remains in critically short supply. In spite of significant congressional interest and funding, progress has been disappointing.

Persistent critical shortages in some languages could contribute to the loss of intelligence information and affect the ability of the intelligence community to exploit what it does collect. I

encourage IC leaders to make foreign language learning and maintenance a priority mission and a ''must fund'' for resource allocation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COACH DAN CALLAHAN

Mr. DURBIN. Mr. President, I wish to say a few words about an extraordinary man, a friend of mine, who died this week in Carterville, IL. Dan Callahan was the head baseball coach at Southern Illinois University at Carbondale for the last 16 years. He died Monday at the age of 52.

Dan Callahan was not only a good coach, he was a great man. His conduct on and off the field inspired just about everybody who ever met him.

Dan died of neurotropic melanoma, a very rare and very serious form of skin cancer. His struggle with cancer began almost 5 years ago when he detected a little black spot on his lower lip. The spot was successfully removed, but the cancer remained and grew.

After receiving his diagnosis, Dan Callahan silently endured the rigors of his treatment while continuing to coach his baseball team. In the 2007, 2008 seasons there were times he probably should have stayed home because he was too weak to do much but sit in the dugout, but he came to work and he came to that ball yard every day. He didn't miss a single game.

The next season Dan endured more intense treatment, including a surgery that removed part of his right jaw. It was only then that he went public with his illness. Eventually, the cancer cost Dan not only his job but the sight in his right eye and the hearing in his right ear. But it didn't stop the coach. The losses damaged his depth perception and hearing. But if Dan Callahan, once a pitcher in his own right, wasn't able to throw a fastball with quite the same speed and control, he taught his players an even more important lesson: how to push through adversity.

The chemo and surgery forced him to miss all of his team's road trip games during the 2009 season, and that bothered him even more than the cancer. He believed a coach should be with his players. Somehow, this past season—his last season—Dan was able to be on the bench for nearly every game. He considered that a great victory, and it was.

The president of Southern Illinois University, Glen Poshard, a former Congressman, said about Danny Callahan: ''As far as I'm concerned, he was the face of courage.''

The Missouri Valley Conference recognized that fact a year ago when it awarded Dan Callahan its ''Most Courageous Award,'' an award that honors those who have demonstrated unusual courage in the face of personal illness, adversity, or tragedy. In announcing Dan's selection, the Missouri Valley Conference Commissioner Doug Elgin said:

> Dan Callahan personifies professionalism in the face of personal adversity, and he's been an inspiration to his baseball student-athletes, and really all those who know him. We feel honored to be able to recognize him.

Dan had a great sense of humor. He used to joke that he led the league in one category: surgeries. In fact, he leaves a rich record of athletic achievement. In 22 seasons as an NCAA Division I head coach, Dan Callahan compiled an impressive record of 595 wins and 695 losses, and 442 of those nearly 600 victories were at Southern Illinois, making him the second winningest coach in SIU's history.

Dan Callahan was one of just five coaches in Missouri Valley Conference history to win over 200 league games. In his time at Carbondale, he produced 23 Major League draft picks and 19 First-Team All-MVC selections.

Baseball was Dan's lifelong love and passion. As an athlete, he pitched two seasons at the University of New Orleans, two at Quincy College, from which he graduated. After college, he pitched professionally in both the San Diego Padres and Seattle Mariners' organizations.

His first coaching job was in my hometown at Springfield High School, his alma mater. He also coached at Eastern University for 5 years before heading down to Carbondale.

Last October, Dan began chemotherapy. His doctors prescribed a three-drug cocktail that includes Avastin, one of a new generation of anticancer drugs that works by preventing the growth of new blood vessels that support tumors. Avastin can buy time and a better quality of life for the people with advanced cancer, but it is very expensive. In Dan's case, it cost $13,686 a treatment—about $100,000 a year.

Unfortunately, Dan's health insurance company, the largest health insurer in America, a company that had paid for surgery to remove the initial spot from his lip and the second surgery to remove part of his jaw, refused to pay for the Avastin. The chemo drug was FDA-approved and something of a wonder drug in treating advanced colon, lung, breast, and other cancers. But the insurance company said its use to treat cancers like Dan's was experimental so they wouldn't cover it.

With the support of family and friends, Dan and his wife Stacy found $27,000 to pay for the first two treatments. Washington University in St. Louis provided another $50,000; that bought him four more treatments. Through all the chemo and radiation treatments and all the painful surgeries, Dan Callahan never complained. He was never bitter and he never felt sorry for himself. But he worried about other people and other families who needed expensive drugs and couldn't afford them. Dan thought it was unfair that patients could be denied treatment that could extend and maybe even save their lives simply because of the drug's high price. We talked about that last year while the Senate was debating America's broken health care system. I thought about Dan Callahan when I voted for the Affordable Health Care Act.

In his prime, Dan Callahan stood 6 feet 4 and weighed 225 pounds. The cancer took its toll. The last couple of months were rough. He spent most of them at Barnes Hospital in St. Louis. A little more than a week ago, he told his doctors he needed to take a break so he could attend a Thanksgiving get-together with his team. He went home for hospice care and died 3 days later surrounded by the people he loved.

I offer my deepest condolences to Stacy, Dan's wife of 21 years, and their daughters Alexa and Carly, and his parents Ann and Gene. Gene and Ann are my closest friends and I have known Dan since he was 9 years old. I also wish to say to Sherry and Lynn, his sisters, he couldn't have come from a better family. My thoughts are also with the student-athletes whom Dan coached and inspired over the years. Dan's passing is a deep loss for so many people.

On Monday, Dan is going to have a send-off. It is going to be at the baseball diamond. Dan's family and his SIU family are hosting a celebration of his life at the SIU baseball diamond where he spent so many years. There will be a party afterwards with hot wings and beer. The invitation says, ''Please dress casually. No suits. No ties.'' That is exactly what Dan would have wanted.

Jim Ruppert, the sports editor for my hometown newspaper, the State Journal Register in Springfield, was also Dan Callahan's brother-in-law. In his column the day after Dan died he said:

> When the official scorer in the sky makes his final ruling, he will say Dan Callahan lost his nearly 5-year battle with cancer Monday afternoon at his home in Carterville. But the 52-year-old Callahan was a baseball guy who went down swinging, battling the dreaded disease to the bottom of the ninth inning.

Dan Callahan coached the sport he loved, and it is a unique sport. It is one of the few team sports that has no timeclock. Baseball is only over when it is over, and that is the way life is too. At the end of his life, Dan Callahan still sits in that dugout and with a watchful coach's eye, he scans the field and sees hundreds of young men whose lives he touched, players and families who will never forget him. He taught them more than baseball. He taught them about life and courage, about themselves and their relationships with others.

I have known Dan all his life. I consider it a blessing to have counted him as a friend. Lou Gehrig, when he learned of his illness, said he was still the luckiest man on the face of the Earth. Dan Callahan felt the same way about himself and for the same reasons. Whether he was the luckiest man on Earth, I don't know, but I do know that all of us who had the good fortune to know Dan Callahan were lucky. We were inspired by his courage and his dignity and we will miss him.

CONGRATULATING STAN ''THE MAN'' MUSIAL

This is another baseball-themed speech which I didn't expect to give on the floor of the Senate, but today is a happy day for me.

I grew up in East Saint Louis, IL. I learned about God and church, but the only god I was sure of played for the St. Louis Cardinals and his name was Stan Musial. The first baseball glove I ever owned was a Rawlings leather glove that had Stan Musial's name written on the edge of it. I used to do what kids my age did. We would wrap rubberbands around the glove with the baseball in it to get that pocket just right and then we would pull that ball out and we would rub it with Glovolium, some kind of oil concoction that we thought made it supple and made it easier to catch the ball. I rubbed that oil on my glove so hard so many times I was the only one who would still read his name on that glove. I kept it forever until my wife said, What are you doing with this old thing, and I said it was my prized possession when I was about 10 years old, and it still is.

The good news is that my feelings for Stan Musial are shared by the President of the United States. He may be a Chicago White Sox fan, but he knows a great champion when he sees one. That is why the announcement today that Stan ''The Man'' Musial is going to receive the Presidential Medal of Freedom makes me feel so good.

The one thing about Stan that I found so interesting is here was one of the most public figures in baseball of his time and I never heard a negative word about him, not about his professional life or his public life. He served this country not only as a hero on the baseball diamond, but he left his team to serve in the military. He went back as the Presiding Officer did—to entertain the troops and serve as well. He cared about this country. He was a champion on and off the baseball field.

After playing 22 seasons in Major League Baseball for the St. Louis Cardinals from 1941 to 1963, Musial was elected to the Baseball Hall of Fame in 1969. Over that time, he compiled a lifetime batting average of .331—how about that—with 3,630 hits, 475 home runs, and 1,951 RBIs, appearing in 23 World Series games and 24 All-Star games. He is one of only three players to have run over 6,000 bases in his career, right behind Hank Aaron and Willie Mays.

A sign of his great sportsmanship, Stan was never once ejected during his career spanning more than 3,000 games. Both in and out of a Cardinal uniform, Stan exemplifies the values of sportsmanship, discipline, hard work, grace, consistency, excellence, and humility. He is truly deserving of this Medal of Freedom.

Let me say a word about my colleague CLAIRE MCCASKILL. No one has worked harder to impress upon the White House how important this Presidential Medal of Freedom is, not only to Stan Musial but Cardinal fans alike and those of us who think he is one of the greatest Americans. I salute CLAIRE MCCASKILL's dogged determination to convince the White House the President is well served by awarding this man an honor for his life on the baseball diamond and off the diamond, and serving this country in so many ways.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARITY FOR HISPANIC FARMERS

Mr. MENENDEZ. Mr. President, I rise to speak of what I have addressed in the past about injustice. It is about the reality that it is no secret that decades of discrimination in lending practices at the United States Department of Agriculture have made it difficult, if not impossible, for minority farmers—specifically Hispanic and women farmers—to make a living at what they love to do, leaving many no choice but to lose their farms and ranches they have tended all their lives, in many cases from generation to generation. That is why I rise today in support of parity for Hispanic and women farmers. I rise so that all the victims of discrimination in this case are treated equally, fairly, and are adequately compensated for the damages they suffered regardless of their race or gender.

The Department of Justice's proposal to Hispanic and female victims is certainly a first step toward closing the entire book on the U.S. Department of Agriculture's discrimination. But, frankly, there appears to be some contradiction between the proposal given to these two groups and the declared objectives of providing parity among the different groups who suffered discrimination.

Here is the situation. African-American victims of discrimination are on a path to receive approximately $2.25 billion to resolve their claims. Victims who filed on time were afforded the opportunity to choose from two different tracks. First, they could present substantial evidence of discrimination which, if valid, entitled the victim to a monetary settlement of $50,000 plus relief in the form of loan forgiveness and offsets of tax liability or they could prove their claims using evidence which was reviewed by a third-party arbitrator who decided how much damages to award, if any.

This system took into account the fact that many if not most of the documents from this era were destroyed by the U.S. Department of Agriculture, making it extremely difficult for victims to prove their claims, while also giving claimants the opportunity to seek more than $50,000 if their case was especially egregious and their losses were severe. There was not a cap on the amount of money awarded. There was not a cap on the number of claimants who could recover damages, which allowed the merits of each individual's claims to be the sole basis for determining what they received. That process appears to be right in line with the stated goal of determining the appropriate course of action for each claim based on the merits of the case and only on the merits. I certainly commend that approach.

However, when it comes to Hispanic and women farmers, the Justice Department has used legal maneuvers to prevent Hispanic and women farmers from achieving class status. Legal maneuvers should not be what the Department of Justice is all about; justice is what the Department should be all about.

Unfortunately, I do not believe the proposal which has been presented to the Hispanic and female victims meets that standard of justice, nor does it employ the fair method utilized in the Pigford I settlement or the equity that is needed. Instead, it puts a cap on the damages each victim could receive and on the total amount that can be awarded to all victims. This is not in parity with the Pigford I settlement and could potentially leave thousands of Hispanic and female victims with only a modicum of relief and far less justice than their counterparts.

Specifically, while Pigford I awarded a minimum of $50,000 to victims, the proposals to Hispanics and females will only award victims up to that amount. What this means is that Hispanic and female victims, even if they suffered millions of dollars in damages, lost their farms, lost their families' heritage in the process, lost their livelihoods, will not receive more than $50,000 and will not be made whole. Farmers who were denied a loan and, as a result, in the words of then-Secretary of Agriculture Glickman, ''lost their family land, not because of a bad crop, not because of a flood, but because of the color of their skin,'' will never be able to rebuild their lives and recover the land with a fraction of $50,000.

If that is not enough, the Department of Justice-imposed cap on the total amount of money that can be awarded to Hispanic and women victims could arbitrarily reduce each claimant's award far below the $50,000 individual cap. You may ask why. Here is the reason: because there are likely to be far more claims filed by Hispanic and women farmers than were filed by African-American farmers. Yet the amount allocated for Hispanic and female

claims is almost $1 billion less than provided to African-American claimants. This is despite the fact that, according to the Department of Agriculture census, in the years in question—from 1982 to 1997—Hispanic- and female-operated farms far outnumbered African-American-operated farms by almost 7 to 1.

If the Department of Justice estimates are correct and approximately 80,000 valid claims will be made by African Americans through Pigford I and Pigford II, it is safe to assume that at least this many and likely many more Hispanic and female farmers who were discriminated against will file valid claims. Even using the very conservative estimate of 80,000 valid claims for Hispanics and females, a $1.3 billion overall cap will provide each claimant with about $16,625. This amount will shrink even further if there are more than the 80,000 claimants and tax forgiveness funds are counted against the $1.3 billion cap.

Think about this. Under this method, the amount each victim will receive will depend on how many other victims there were, not on the merits of each individual case. Not only is that not fair, but it is perverse because each victim will actually be punished the more the U.S. Department of Agriculture discriminated since the more valid claims there are, the less each victim will receive. A structure has been set up that, instead of pursuing justice and equity, actually works to the detriment of those who have already been discriminated against because the more that have been discriminated against and prove their case, the less each one will receive because of this cap.

Finally, the process proposed for administering Hispanic and female claims seems arbitrary and needlessly complicated. In contrast to Pigford claimants, Hispanic- and women-owned farms would not have the benefit of a court-approved notice or any of the procedural protections associated with a class action process.

The underlying facts of the claims made by African Americans, Hispanics, females, and Native Americans are nearly identical.

I commend the President and his administration for making some effort toward delivering justice to women and Hispanic farmers. That is why I urge the administration to guarantee that the relief to be provided to women and Hispanic farmers be just and consistent with that provided to African-American victims who filed on time. In the words of Timothy Pigford, the lead plaintiff in the Pigford case, Hispanics and females ''suffered the same discrimination by the U.S. Department of Agriculture as African American farmers.'' They suffered the same discrimination by the Department of Agriculture as African-American farmers.

Again quoting Mr. Pigford:

. . . class certification is a procedural matter that does not address the underlying discrimination that is in fact admitted.

It is, in fact, admitted. There is not a dispute about whether discrimination took place. It is, in fact, admitted. The indisputable fact remains that farmers and ranchers—particularly women, African Americans, Hispanics—were denied access to U.S. Department of Agriculture loans, to farm benefits and credit services due to their race, their ethnicity, their gender. They were not given proper opportunity for recourse. In the process of being denied those opportunities, they lost, in many cases, their land or sold parts of their land to keep a little piece of it. The only thing that could be worse than the original discrimination, ironically, is if it were to treat the victims of that discrimination differently based on their race, ethnicity, or gender.

Justice for one cannot masquerade as justice for all. I applaud the USDA for taking a big step toward universal justice in this case by recognizing the need to put aside technical questions about class certification and address the underlying valid claims of discrimination.

I understand that this administration inherited this problem, like so many others, and is now in the position of cleaning up the mess left by its predecessors. I applaud them for seeking to right an injustice. But I do not think, nor can I accept that you can dispense justice when you know that the facts are such that, in fact, there is no dispute as to the discrimination, that you can dispense justice piecemeal, or that you can treat victims similarly situated, almost identically situated and harmed, with justice for some and not for all. We need to make this right. We need to make the victims whole. We need to do it fairly, justly, and soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

THE SAN FRANCISCO GIANTS

Mrs. FEINSTEIN. Mr. President, I rise to speak on the bill before us. But before I do, one thing I was remiss in not doing, listening to Senator DURBIN speak about Stan Musial, is pointing out what has happened in San Francisco, and that is that the San Francisco Giants have won the World Series with a team that was just amazing. To see a team, I think, that were essentially outcasts—and some would say misfits—come together, play with teamwork, develop a world-class pitching staff, a defense where double and triple plays would happen, is really quite amazing. I had the pleasure of going to the playoff games during the recess, as well as the World Series games, and it was a very special treat. I wish to offer my commendation to that great team. It was quite wonderful.

Now down to business.

Mr. President, it appears that I will be blocked from offering an amendment on bisphenol A, to the food safety bill. So I come to the floor to express my disappointment and my very serious concern about the continued use of this chemical in children's products.

There is mounting scientific evidence that shows that BPA is linked to harmful health effects. Over 200 scientific studies show that even at low doses, BPA is linked to serious health problems, including cancer, diabetes, heart disease, early puberty, behavioral problems, and obesity. I know there is not yet consensus on the science and there is still research to be done. But I also know this chemical is so widespread—it has been found in 93 percent of Americans. I know BPA is thought to alter the way the body chemistry works. Babies and children are particularly at risk because when they are developing, any small change can cause dramatic consequences.

To put it simply, the fact that so many adverse health effects are linked to this chemical, the fact that this chemical is so present in our bodies, and the fact that babies are more at risk from its harmful effects leads me to believe there is no good reason to expose our children to this chemical.

My great concern for its continued use, particularly in children's products, is the reason Senator SCHUMER, my cosponsor, and I, who introduced a bill a year and a half ago—why he and I have been willing to compromise, to be flexible, and to try to work out an agreement to move this forward. For 7 months, we have been negotiating with Senator ENZI, the distinguished ranking member handling this bill on the floor, hoping for a compromise that would enable this amendment on BPA to be placed in the food safety bill. It looks as if there will not be amendments; therefore, I have no opportunity to offer an amendment.

But last evening at about 6:15, Senator ENZI and I reached an agreement which would ban the use of BPA in baby bottles and sippy cups within 6 months of the enactment of this legislation. It would require that the FDA, the U.S. Food and Drug Administration, to issue a revised safety assessment on BPA by December 1, 2012—this is important because it would make certain the date that the FDA has to assess the safety of BPA. And third, it would include a savings clause to allow States to enact their own legislation.

I wish to thank the ranking member for his agreement. It meant a great deal to me. I thought, aha, we are really close to making a beginning step on this problem. Unfortunately, today it became clear that the American Chemistry Council has blocked and obstructed this agreement from being added to the food safety bill. Therefore, language cannot be in the bill. I regret that the chemical lobby puts a higher priority on selling chemicals than it does on the health of infants. I am stunned by this.

This agreement was but a small step forward, a simple movement to ban BPA in baby bottles and sippy cups, a simple move to protect children.

All it did was ban BPA in baby bottles and sippy cups until the FDA's safety assessment could be revised. The

chemical lobby came in at the 11th hour opposing this ban, which is something my colleagues on the other side of the aisle had agreed to.

Now, because of this, my colleagues on the other side of the aisle are pulling their support. My goodness. This is so simple. How can anybody put a priority on selling chemicals above the health of infants? Major manufacturers and retailers are already phasing out BPA from their food and beverage products for children. So why should this be stopped?

The products used to give food and drink to children all have safe alternative BPA packaging available. At least 14 manufacturers have already taken action against BPA. Here they are: Avent, Born Free, Disney First Years, Evenflo, Gerber, Dr. Brown's, Green to Grow, Klean Kanteen, Medala, Nuby Sippy Cups, Munchkin, Playtex, Thinkbaby, Weil Baby. All these manufacturers are taking BPA voluntarily out of their baby bottles and sippy cups, but we cannot get it into a simple bill.

Retailers are taking actions not to sell these products with BPA in them: CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys ''R'' Us and Babies ''R'' Us, Walmart, Wegmans, and Whole Foods have already taken this action.

I ask unanimous consent that the list be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. At this point, seven States have moved to enact laws banning BPA from children's products: Connecticut, Maryland, Minnesota, New York, Vermont, Washington, Wisconsin. The city of Chicago also has a ban. These entities have already taken action. California is just a few votes short of taking this action and I hope will come back this next legislative session and take it.

Bills are also pending in Illinois, Maine, Massachusetts, Missouri, Pennsylvania, and Washington, DC, and numerous companies are marketing BPA-free products. Other countries are moving forward. Canada declared BPA toxic and banned it from all baby bottles and sippy cups. Denmark and France also have national bans on BPA in certain products.

So here is the point. The problem has been recognized, and steps are being taken by countries, States, companies, and retailers. Yet the chemical lobby in this country is keeping this amendment out of the food safety bill. Why? Only one reason. Because the chemical companies want to make money to the longest point they can by selling a chemical which is linked to all these harmful health effects.

Their resistance to accept this very small proposal is astounding. We have compromised in the negotiations with Senator ENZI. The bill Senator SCHUMER and I introduced was much more comprehensive. But we are down to just the three things I mentioned earlier. This is a food safety issue, and it profoundly affects children's health.

But some in the industry are fighting tooth and nail to make sure BPA remains a staple in the American diet and even for children. Because of this opposition, it appears I have no option to move this amendment forward. Again, I tried for a year and a half, 7 months of negotiations. I can put a hold on the bill, stop it, and make a fuss, as some others have done over other issues, or I can wait to fight another day by allowing this food safety bill to go forward while continuing to build the case against BPA. That latter is what I intend to do beginning now.

This battle may be lost, but, rest assured, I do not intend to quit. I have a deep abiding concern regarding the presence of toxins and chemicals with no testing in all kinds of products and all kinds of solutions that build up in our bodies. There is no precautionary standard in this country when it comes to chemicals.

You have to prove that a chemical is harmful before that chemical can be banned. But the evidence against BPA is mounting and especially its harmful effects on babies and children who are still developing.

Here is the argument. Here is what BPA is. It is synthetic estrogen. It is a hormone disruptor. It interferes with how the hormones work in the body, and this chemical is used in thousands of consumer products. It is used to harden plastics, line tin cans, and even make CDs. It is even used to coat airline tickets and grocery store receipts. It is one of the most pervasive chemicals in modern life.

As with so many other chemicals in consumer products, BPA has been added to our products without knowing whether it is safe. Alternatives exist because concern has been growing about the harmful impact. The chemical industry has tried to quiet criticism by reassuring consumers that BPA is safe and that more research still needs to be done.

Well, that argument simply does not hold water. Over 200 studies show that exposure to BPA, particularly during prenatal development and early infancy, are linked to a wide range of adverse health effects in later life. Because of their smaller size and stage of development, babies and children are particularly at risk from these harmful impacts.

What do these include? Increased risk of breast and prostate cancer, genital abnormalities in males, infertility in men, sexual dysfunction, early puberty in girls, metabolic disorders such as insulin-resistant type 2 diabetes and obesity and behavioral problems such as attention deficit hyperactivity disorder, ADHD.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research funded by the chemical industry. In 2006, the journal Environmental Research published an article comparing the results of government-funded studies on BPA to BPA studies funded by industry. The difference is stark. Ninety-two percent of the government-funded studies found that exposure to BPA caused health problems. Overwhelmingly, government studies found harm.

None of the industry studies identified health problems as a result of BPA exposure—not one. That is 92 percent of the government studies and not one of the industry studies. So I ask: How can this be? Clearly, questions are raised about the validity of the chemical industry's studies.

The results also illustrate why our Nation's regulatory agencies should not and cannot rely solely on chemical companies to conduct research into their own products. Consumers are worried about BPA. They are pushing in States for restrictions and bans. Over 75 organizations that represent almost 40 million Americans, support getting BPA out of food packaging for children.

Support comes from national groups such as the BlueGreen Alliance, Consumers Union, Breast Cancer Fund, National WIC, and United Steelworkers of America. State groups such as Alaska Community Action on Toxics, California Environmental Rights Alliance, Environment Illinois, the Tennessee Environmental Council, and the Massachusetts Breast Cancer Coalition back this amendment.

The broad coalition of environmental and consumer advocates know BPA cannot be good for our babies. I wish to underscore the importance and the urgency of withdrawing BPA from baby products.

Well-known and respected organizations and Federal agencies have expressed concern about BPA. The President's Cancer Panel Annual Report released in April of this year concluded that there is growing evidence of a link between BPA and several diseases such as cancer. The panel recommended using BPA-free containers to limit chemical exposure.

A 2008 study by the American Medical Association suggested links between exposure to BPA and diabetes, heart disease, and liver problems in humans. The National Health and Nutrition Examination Survey, NHANES, linked BPA in high concentrations to cardiovascular disease and type 2 diabetes.

In addition to the over 200 scientific studies showing exposure to BPA is linked to adverse health effects, there are a number of studies that link BPA and other environmental toxins to early onset puberty and other hormonal changes. This is serious. This emphasizes how detrimental this chemical can be during development.

I would like to discuss three of these studies. The Endocrine Society, comprised of over 14,000 members from more than 100 countries, published a scientific statement in 2009, expressing

concern for the adverse health impacts of endocrine-disrupting chemicals such as BPA. The adverse health impacts included infertility, thyroid problems, obesity, and cancer. A study published in Environmental Health Perspectives studied 715 men, ages 20 to 74 years old, and found that men who had high levels of BPA in their bodies also had higher levels of testosterone. This study demonstrates that higher BPA levels in the body are associated with altered hormone levels.

A study in the Journal of Pediatrics in September 2010 demonstrated that puberty in girls is occurring even earlier, by ages 7 and 8. The researchers studied 1,239 girls in 2004 and 2008, so there was followup, in Cincinnati, East Harlem, and San Francisco. They found that at age 8, 18 percent of Caucasian girls, 43 percent of African-American girls, and 31 percent of Hispanic girls had signs of puberty. That is at 8 years old.

The researchers suspected that environmental chemicals such as BPA could influence the onset of puberty. Early puberty can cause a host of problems later on in life, such as increased rates of breast cancer, lower self-esteem, eating disorders, and certainly depression.

Given these conclusions, it is critical we act to protect just the most vulnerable, our infants and toddlers, from this chemical.

How are children benefitted by having a baby bottle or a cup that they sip from that is coated with BPA? How is that bottle any better? How is that cup any better? Fact: It isn't. Yet the American Chemistry Council puts their need to sell these chemicals above all of the existing studies, above all the science that is emerging, and would not even say: Just in case this is true, yes; we agree with you. We should protect our young and our youngest. They would not do even that.

Our original bill was much broader. BPA is not just in plastic bottles, it is also used in the epoxy resin that lines tin cans. I no longer buy tin cans because of it. My family, I have asked them not to buy things in tin cans. Buy them in glass. Then we don't have to worry about the BPA that is in the lining of the can.

This amendment doesn't ban BPA in the lining of cans. It doesn't ban BPA in all containers. It just bans BPA in baby bottles and sippy cups, just for infants, just for toddlers. The chemical industry says no. And I guess the other side of the aisle bows.

I am amazed. BPA has been linked to developmental disorders, cancer, cardiovascular complications, and diabetes by credible scientific bodies. The evidence that BPA is unacceptably dangerous is mounting. Yet it remains in thousands of household and food products. In an effort to reach a bipartisan compromise, which we did do last night, the amendment I wanted only restricted the use of BPA in baby bottles and sippy cups because, as the science shows, babies and young children are the most susceptible to the harmful effects of this toxic chemical. This amendment would have ensured that all babies, in whatever State they happen to be or wherever they buy their baby bottles, are safe. We can't even do this in a food safety bill.

It would have ensured that parents no longer have to wonder whether the products they buy for their babies will harm them now or later in life. I have on my Blackberry a picture of a new grandchild born earlier today, a little boy by the name of Benjamin. So even if one is a grandparent like me, this is so relevant. If we can't take care of our babies, what can we take care of in this country?

Despite the loss of this amendment, the American people can still vote with their pocketbooks by refusing to buy products made with BPA. Ask the question in your grocery store. Go where they are not sold. Buy the products that do not use BPA. Public knowledge and awareness is important.

In 2008, as part of the Consumer Product Safety Improvement Act, Congress accepted my proposal to ban phthalates, and President Bush signed it. It banned phthalates, a plasticizing chemical, from children's toys. Like BPA, phthalates are linked to a variety of health problems in young children. I was proud to lead that fight and protect children from these chemicals.

I truly believe the unrestricted use of chemicals in products, whether it be makeup for women, lotions that go on bodies, coatings in cans, coverings of plastic, softeners and hardeners, chemicals that leach into food, are a problem. When we do a food safety bill, we ought to consider this. Well, not even this baby step to protect babies is going to be taken.

I very much regret it, but the battle is joined. Once I start, I do not stop. We will fight another day.

I thank the Chair and yield the floor.

EXHIBIT 1

LEADING RETAILERS & MANUFACTURERS PHASING OUT BISPHENOL A (BPA)

In response to growing scientific and public concern, over the past few years, leading U.S. retailers, baby bottle and water bottle manufacturers pledged to phase out bisphenol A (BPA) in favor of safer cost-effective alternatives. These include the following companies.

U.S. RETAILERS PHASING OUT BISPHENOL A BABY BOTTLES

CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys ''R'' Us and Babies ''R'' Us, Wal-Mart, Wegmans Foods, Whole Foods.

BABY BOTTLE & SIPPY CUP MANUFACTURERS PHASING OUT OR BPA FREE

Avent—offering some BPA-free alternatives, Born Free, Disney First Years, Dr. Brown's, Evenflo—offering some BPA-free alternatives, Gerber, Green to Grow, Klean Kanteen, Medela, Munchkin, Nuby Sippy cups, Playtex, Think Baby, Weil Baby.

WATER BOTTLE COMPANIES PHASING OUT BPA

ALADDIN/Pacific Market International, CamelBak,Klean Kanteen, Nalgene, Polar Bottle, Sigg.

FOOD PACKAGING COMPANIES EXPLORING BPA-FREE ALTERNATIVES

In 1999, the health foods company Eden Foods phased out the use of BPA in some of their canned foods. The company has eliminated BPA in cans for products such as beans, however they are still searching for alternatives for cans that hold tomatoes.

Gerber and Nestlé Nutrition have publicly stated they are committed to making all food and formula packaging BPA-free as soon as possible. In 2009, Abbott Labs announced that it achieved ''BPA free'' status in all of its Similac® brand powdered infant formula products and 91% of their total product line is BPA free. Nestle-Gerber announced similarly in 2008 that there is no BPA in cans used to package the Nestlé GOOD START® Supreme Milk and Soy based powdered infant formulas, which account for more than 80 percent of the type of infant formula they sell.

In 2010, General Mills Muir Glen brand announced that they would be introducing a BPA-free metal can for their organic tomatoes.

Hain Celestial and Heinz are researching and testing alternatives to BPA and plan to phase out BPA in some products. Heinz is already using a substitute to BPA in some of its can linings. In June 2010, Heinz Australia said that they expect BPA-free cans for baby food to be available within 12 months with metal closures on glass jars to follow.

Trader Joes offers BPA-free cans for their seafood (tuna, salmon, herring, sardines, etc.), chicken, turkey & beef, beans and corn.

Vital Choice transitioned to BPA-free containers for its canned seafood in 2009.

Tupperware Brand's reusable containers are 90% non-polycarbonate plastic; containers for children are all BPA-free.

CANADIAN RETAILERS PHASING OUT BPA

Home Depot Canada, Members of the Canadian Council of Grocery Distributors, Mountain Equipment Co-op, Rexall Pharmacies, Sears Canada, Wal-Mart Canada.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SICKLE CELL DISEASE

Mr. CARDIN. Mr. President, I rise to talk about a very important health issue—sickle cell disease—that highlights the tremendous progress the scientific community has made over the years. This is a timely opportunity to bring up sickle cell disease because this month marks the 100th anniversary of its discovery.

On November 16 and 17, the National Institutes of Health will host a research symposium on sickle cell disease to commemorate the accomplishments of scientists and clinicians over the past century. The symposium, named after the scientist who discovered the gene, Dr. James B. Herrick, will bring to Maryland more than 30

experts from around the world to discuss sickle cell disease research and treatment.

Sickle cell disease is an inherited blood disorder in which red blood cells contain an abnormal type of hemoglobin and frequently take on a sickle, or crescent, shape. These defective blood cells can block small blood vessels, which can in turn lead to tissue damage or stroke. A common complication of this condition is severe pain in the limbs, chest, abdomen, and back. Other complications are anemia, jaundice, severe infection, and spleen, liver, and kidney damage.

The life expectancy for sickle cell patients is shortened, with studies reporting an average life expectancy of 42 years for males and 48 years for females. Sickle cell disease occurs most commonly in people of African descent, though individuals of Middle Eastern, Mediterranean, Central and South American, and Asian Indian heritage can inherit the disease as well. About 1 in 12 African Americans carries the gene for sickle cell disease, and 1 in 400 Americans has the full-blown disease. It is estimated that over 80,000 Americans have sickle cell disease, with about 2,000 babies born with the disease each year.

Sickle cell disease can result in tremendous personal difficulties. Natasha Thomas is a 36-year-old African-American woman from Baltimore, MD. She considers herself fortunate to have access to quality care. Despite some setbacks, she was able to complete middle school, high school, and college, and she has been working consistently for 15 years. She has had employers who have allowed her to take leave when she has had sickle cell pain crises. Natasha admits that most of the people she knows with sickle cell disease are not as fortunate as she is.

Even though she has access to specialized care, Natasha is hospitalized at least once a year with paralyzing pain from the occlusion of her blood vessels with sickle cells. In the hospital, she has to undergo IV therapy with fluids and narcotic pain medicine. Natasha is grateful for the Maryland medical assistance program, which has provided her with the necessary resources to get through difficult financial times when her condition flares up. She admits that if she did not have coverage for specialized care, she would have likely had many more pain flares and may have had to receive blood transfusions.

Sickle cell disease is not a new phenomenon. People have been living with the disease for literally thousands of years. But in the last century, there have been remarkable advancements in diagnosis and treatment of sickle cell disease.

In 1910, Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, published an article on the case of an anemic West Indian patient. Herrick's clinical and laboratory findings of the patient's ''peculiar elongated and sickle-shaped'' red blood corpuscles represent the first description of sickle cell disease in Western medical literature.

Since the discovery of the mutation responsible for sickle cell disease in the 1950s, there has been a rapid expansion of technological and policy advances.

In 1975, the first statewide newborn screening was established in New York.

In 1986, penicillin was found to be effective as a preventive strategy against pneumococcal infection, a particularly dangerous infection for people with sickle cell disease.

In 1995, the first effective drug treatment for adults with severe sickle cell anemia was reported in a multicenter National Heart, Lung, and Blood Institute study, including a team led by physicians from Johns Hopkins. The anticancer drug hydroxyurea was found to reduce the frequency of painful crises, and patients taking the drug needed fewer blood transfusions.

In 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients. A year later, blood transfusions were found to help prevent stroke in patients.

At the turn of the millennium, the introduction of pneumococcal vaccine revolutionized the prevention of lethal infections in children and adults with sickle cell disease.

And in 2001, the first mouse model was developed demonstrating the usefulness of genetic therapy for sickle cell disease.

More recently, in 2007, scientists from the University of Alabama Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease. These scientists used skin stem cells to reprogram the bone marrow of mice to produce normal, healthy blood cells.

I am proud to say that other scientists from Maryland have played an important role in advancing sickle cell disease research. Dr. Morton Goldberg, former head of the Wilmer Eye Institute in Baltimore, is considered the world's foremost expert in the diagnosis and treatment of eye disease due to sickle cell disease. Drs. Jim Casella and Robert Brodsky, both from Johns Hopkins, have made great strides toward preventing strokes in young children and searching for cures through stem cell transplants, respectively.

Improvements in sickle cell disease treatments have led to an increase in life expectancy from 14 years in 1973 to the mid to late 40s now. Innovation continues. As of October 2010, there were 240 ongoing or recently completed NIH-funded trials exploring better diagnosis or treatment of the disease. Under the leadership of its Director, Dr. Francis Collins, the NIH is poised to continue to push the envelope of scientific innovations toward finding a cure for sickle cell disease.

Despite all of these technological advances, sickle cell disease remains a significant problem. The annual cost of medical care for the nearly 80,000 individuals with sickle cell disease in the United States exceeds $1.1 billion. The average cost of care per month per patient is nearly $2,000. Studies show that for an average patient with sickle cell disease reaching age 45, the total health care costs are estimated to reach $950,000. What is worrisome is that additional costs associated with reduced quality of life, uncompensated care, lost productivity, and premature mortality push the costs well beyond $1 million per patient.

The enormous human and financial cost of this disease underscores the importance of finding a safe cure for sickle cell disease. A worrying finding in research is that conscious or unconscious racial bias adversely affects the availability of resources for research, delivery of care, and improvement of that care. I am particularly concerned because there is a significant gap in funding for more publicized but less prevalent diseases as compared to sickle cell disease.

This gap in funding was first addressed in 1970 by Dr. Robert Scott when he published landmark articles in the New England Journal of Medicine and the Journal of the American Medical Association. Dr. Scott's articles spurred congressional hearings that led to the passage of the first major legislation concerning sickle cell disease treatment, the National Sickle Cell Disease Control Act of 1972.

Since passage of that act, the number of research grants for sickle cell disease has risen by a factor of 10. Despite increased research dollars for sickle cell disease and major advances in treatment, important gaps still exist in the equity of Federal funding allocation and in the provision of highly qualified clinical care. The disparity in funding sickle cell disease in the private sector is even more pronounced than it is in the Federal Government.

But solely funding additional research is not enough. We need to be sure that the tools we develop for improving patients' lives are available to everyone who needs them. Unfortunately, that is not currently the case.

For example, there is a sixteenfold mortality rate difference between States with the highest and lowest death rates due to sickle cell disease. In other words, depending on where you live, you may be 16 times more likely to die from sickle cell disease in one State than another. I am proud to say that interventions such as mandatory newborn screening developed by Dr. Susan Panny at the Maryland Department of Health and Mental Hygiene have helped Maryland attain the lowest child mortality rate due to sickle cell disease in the Nation, with 1/10 the number of deaths compared to the national average.

Earlier, I mentioned Natasha Thomas. She is fortunate to have access to specialized treatment centers and rarely gets hospitalized for pain crises.

She's been able to maintain a job and says that she has a pretty good quality of life. She is a testament to the benefits of having access to necessary treatments in Baltimore.

Natasha has a friend who is not so lucky. He wished to remain anonymous. Natasha's friend can't keep a job because he is frequently absent from work due to hospitalizations from pain crises.

His condition is poorly controlled because he does not have access to specialized care as does Natasha. Like so many others with sickle cell disease, he is in catastrophic debt from medical bills due to his condition. The difference between Natasha and her friend does not have to be a matter of luck. High quality treatments for sickle cell disease exist. We just need to make sure they are available to everyone that requires them.

Besides our moral obligation to ensure that patients receive appropriate care, there is also an economic argument. Research showing the high proportion of sickle cell disease costs associated with inpatient hospitalization suggest that interventions that reduce complications such as pain crises could be cost-saving.

We have made significant progress toward broadening coverage for all Americans. But the U.S. Department of Health and Human Services must ensure that the implementation of health policy as it pertains to sickle cell disease is done with emphasis on high-quality, equitable care. We need to make sure the standard of care is available to all and that the guidelines permeate throughout the specialty and primary care centers caring for patients with sickle cell disease.

We need to make sure that patients like Natasha's friend can get the care they need. After all, of the nearly $112 billion spent annually on hospitalization for sickle cell disease, a significant portion can be reduced by lowering the complications resulting from hospitalization if excellent care is uniformly provided.

With the recent codification of the Office of Minority Health at the Department of Health and Human Services, we can ensure that our investment in producing new knowledge is balanced by a similarly robust commitment to universal and equitable diffusion of this knowledge. This way, all patients will reap the full benefit of our investment in research. In addition to sickle cell disease, the Office of Minority Health will help us address many other issues pertaining to health disparities.

Health disparities in our health care delivery system are a huge issue. Health disparities are differences in health among social, economic, and racial or ethnic lines. Many disparities exist in our country. Let's look at disparity through the lens of life expectancy.

The life expectancy for African Americans is 5.3 years lower than Whites. Education also affects life expectancy. Individuals with college education can expect to live on average 6 years longer than people who have never graduated from high school. The life expectancy of people over 400 percent of the Federal poverty level is on average 7 years longer than those at or below the Federal poverty level.

These differences are stark, and we need to have a strategy to deal with them. We need to know how we can reach out to the minority communities to deal with their special needs. In addition to codifying the Office of Minority Health, the recently enacted health care reform bill supports a network of minority health offices located within HHS, and it elevated the National Center on Minority Health and Health Disparities at NIH from a center to an institute. The Offices of Minority Health will be essential for addressing health disparities in America by monitoring health status, health care trends, and quality of care among minority patients and evaluating the success of minority health programs and initiatives.

Over the next year I plan to return to the Senate floor to highlight how we as a nation and the Office of Minority Health in particular can tackle health disparities. Through a series of presentations, I hope to raise awareness about the major health disparity issues in our country, and I hope to direct our attention to the proper implementation of the Affordable Care Act so the full potential of this legislation can be realized.

I am proud of the progress we have made with the health care reform legislation. I am proud of the creation of the Office of Minority Health, and on this 100th anniversary of the discovery of sickle cell disease, I commend the scientific and medical communities for their contributions to diagnosis and treatment of this important condition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for perhaps 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CYBER SECURITY

Mr. WHITEHOUSE. Mr. President, I come to the floor to speak about the legislation that will be required in order to bolster our Nation's cyber defenses and to protect our Nation's intellectual property from piracy and from theft.

In the course of my work on the Intelligence and Judiciary Committees, it has become all too clear that our laws have not kept pace with the amazing technological developments we have seen, many information technologies over the past 15 or 20 years. Earlier this year, I had the privilege of chairing the Intelligence Committee's bipartisan cyber task force, along with my distinguished colleagues, Senator SNOWE and Senator MIKULSKI, who made vital contributions and were great teammates in that effort. We spent 6 months conducting a thorough review of the threat and the posture of the United States for countering it.

Based on that review and my work on the Senate Judiciary Committee, I have identified six areas in which there are overarching problems with the current statutory framework for protecting our country. The first is a really basic one; that is, that current law does not adequately facilitate or encourage public awareness about cyber threats. The government keeps the damage we are sustaining from cyber attacks secret because it is classified. The private sector keeps the damage they are sustaining from cyber attacks secret so as not to look bad to customers, to regulators, and to investors. The net result of that is that the American public gets left in the dark.

We do not even have a good public understanding of how extensive and sophisticated the cyber forces arrayed against America are. Between the efforts of foreign governments and international organized crime, we are a long way from the problem of hackers in the basement. It is a big operation that has been mounted against us, and I would like to be able to describe it more fully, but it is both unhelpfully and unnecessarily classified, and so I can't even talk about that.

Americans are sadly uninformed about the extent of the risk and the extent of the capacity that is being used against us. If Americans understood the threat and the vital role they themselves can play in protecting themselves and the country, I think we would all be more likely to engage in the cyber equivalent of routine maintenance. People would understand and they would support legislative changes which we need to protect our intellectual property and our national infrastructure.

One of the principal findings of our cyber task force was that most cyber threats—literally the vast majority of cyber threats—can be countered readily if Americans simply allowed automatic updates to their computer software, ran up-to-date antivirus programs, and exercised reasonable vigilance when surfing the Web and opening e-mails. So we need far more reporting from the government and the private sector to let Americans know what is happening out there on the wild Web. Disclosures can be anonymized, where necessary, to safeguard national security or protect competitive business interests. But

basic facts, putting Americans on notice of the extent of the present danger and harm, need to be disclosed.

Second, we need, beyond just public information, to create a structure of rights and responsibilities where the public, consumers, technology companies, software manufacturers, and Internet service providers are all able to take appropriate roles for us to maintain those basic levels of cyber security. The notion that the Internet is an open highway with toll takers who have no responsibility for what comes down the highway, no responsibility no matter how menacing, no responsibility no matter how piratical, no responsibility no matter how dangerous can no longer be valid. We protect each other on our physical highways with basic rules of the road and we need a similar code for the information highway.

Australia's ISPs have negotiated a cyber security code of conduct, and ISPs in compliance with the code can display a trust mark. That is one idea worth exploring. But one way or the other, there needs to be a code of conduct for safe travel on the information highway just as there is on our geographic highways.

Third, we need to better empower our private sector to defend itself. When an industry comes together against cyber attackers to circle the wagons, to share information, and to engage in a common defense against those cyber attackers, we should help and not hinder that private sector effort. Legal barriers to broader information sharing among private sector entities and between the private sector and government must be lowered. I believe we can encourage cyber security in this way—common defense within the private sector—without undermining other areas of public policy. But it is not going to be a simple task, and we will have to work our way through it because those other areas of public policy are serious areas—antitrust protection, the safeguarding of intellectual property, protecting legal privileges, liability concerns, and even national security concerns in those areas where the government may be asked to share classified information.

Bear in mind that there are three levels of threat. As I have said, the vast majority of our cyber vulnerabilities can be cured by simple patches and off-the-shelf technology. That is the lowest level—just follow basic, simple procedures and we can rid ourselves of most of the attacking. The next is a more sophisticated set of threats that require the best efforts of the private sector to defend against. Those private sector efforts are becoming increasingly sophisticated and capable. As to those types of attacks, the private sector can handle them alone and particularly so if we have empowered the private sector, industry by industry, to engage in more effective common defense and information sharing. The most sophisticated threats and attacks, however, will require action by our government. The notion that we can leave our Nation's cyber defense entirely to the private sector is no longer valid.

This brings us to a fourth question—the increasingly important issue of cyber 911. When the CIO of a local bank or electric utility is overwhelmed by a cyber attack, whom do they call and under what terms does the government respond? Right now, the answers to those questions are dangerously vague. The Electronic Communications Privacy Act—or ECPA—is a vitally important statute. In 1986, 25 years ago, Chairman PATRICK LEAHY worked hard to establish statutory privacy protections in a domain where constitutional privacy protections were weak.

It is an enduring legislative accomplishment and we must preserve its core principles. Since ECPA was enacted, however, the threat has dramatically changed. Imagine how technology has changed in 25 years. It is no longer true that private firms are capable of defending their networks from sophisticated thieves and spies on their own.

As we found in the Cyber Task Force, there is now a subset of threats that cannot be countered without bringing to bear the U.S. Government's unique authorities and capabilities. There always needs to be strong privacy protections for Americans against the government. But we do let firemen into our house when it is on fire and the police can come into our house when there is a burglar. A similar principle should apply to criminals and cyber attacks when private capabilities are overwhelmed.

There is one more step, and here is where it gets a little bit more tricky. You call 9–1–1 and the police or the ambulance rushes right over. But in cyber security, by the time you call cyber 9–1–1, it may be too late. Attacks in cyberspace happen at light speed, as fast as electrons flow. Not all the risks and harms that imperil Americans can be averted by action after the fact. Some attacks are actually already there, in our networks, lying in wait for the signal to activate.

We as a country are naked and vulnerable to some forms of attack if we have not predeployed our defenses. Because the viruses and cyber attack nodes can travel in the text portion of messages, we have to sort out a difficult question: whether, and if so how and when, the government can scan for dangerous viruses and attack signals.

In medieval times, communities protected their core infrastructure from raiders by locating the well, the granary, and the treasury inside castle walls. Not everything needs the same level of protection in cyberspace, but we need to sort out what does need that kind of protection, what the castle walls should look like, who gets allowed to reside inside the walls, and what the rules are.

That leads to the question of a dot-secure domain. I have mentioned this before, but I would like to highlight it as an option for improving cyber security, particularly of the critical infrastructure of our country.

Recently, General Alexander, Director of the NSA and commander of U.S. Cyber Command, has echoed this as a possibility. His predecessor at NSA, and a former Director of National Intelligence, Admiral McConnell, is also an advocate of such a domain for critical infrastructure. This doesn't have to be complicated or even mandatory. The most important value of a dot-secure domain is that, like dot-gov and dot-mil, now we can satisfy consent under the fourth amendment search requirements for the government's defenses to do their work within that domain, their work of screening for attack signals, botnets, and viruses. Critical infrastructure sites could bid for permission to protect themselves with the dot-secure domain label and be allowed in if they could show that lives and safety for Americans would be protected by allowing them entry. Obviously, core elements of our electric grid, of our financial, transportation, and communications infrastructure would be obvious candidates. But we simply cannot leave that core infrastructure on which the life and death of Americans depends without better security.

Fifth, we must significantly strengthen law enforcement against cyber crooks. There is simply no better deterrent against cyber crime than a prospect of a long stretch in prison. We need to put more cyber crooks behind bars. It is not for want of ingenuity and commitment by our professionals that there are not more cyber crooks behind bars.

During my work on the Cyber Task Force, I received a number of briefings and intelligence reports on cyber crime. The FBI and the Department of Justice have some real success stories under their belts, such as the arrests of the alleged perpetrators behind the Mariposa botnet this summer, and our agencies are beginning to work together better and better over the lines of turf defense that separate them.

The problem is, the criminals are also ingenious and they are greedy and they are successful and they are astoundingly well funded. Again, we are not talking about hackers in the basement. We are talking about substantial criminal enterprise with enormous sums of money at their disposal and at stake.

Many enterprises appear to work hand-in-hand with foreign governments, which puts even greater assets for attack at their disposal. They have a big advantage. The architecture of the Internet favors offense over defense. Technologically, it is generally easier for savvy criminals to attack a network and to hide their trail than it is for savvy defenders to block an attack and trace it back to the criminals. We are not on a level playing field against cyber criminals. That is the

problem not easily overcome. What we can overcome, however, are the gaps, the weaknesses, the outdated strategies, and the inadequate resources in our own legal investigative processes.

One example: the most dangerous cyber criminals are usually located overseas. To identify, investigate, and ultimately prosecute those criminals under traditional law enforcement authorities, we have to rely on complex and cumbersome international processes and treaties established decades ago that are far too slow for the modern cyber crime environment.

We also need to resource and focus criminal investigation and prosecution at a level commensurate with the fact that we, America, are now on the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I will say that again: We are at the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I am pleased that in fiscal year 2010 the FBI received an additional 260 cyber security analysis and investigative positions. DOJ's Computer Crimes and Intellectual Property Section has not received new resources in 5 years. With the FBI poised to ramp up its investigatory actions against our cyber adversaries, I am concerned the DOJ may not have the resources to keep up.

Sixth, we need clear rules of engagement for our government to deal with foreign threats. That is, unfortunately, a discussion for another day since so much of this area is now deeply classified. But here is one example: Can we adapt traditional doctrines of deterrence to cyber attacks when we may not know for sure which country or nonstate actor carried out the attack? If we can't attribute, how can we deter?

With respect to any policy of deterrence, how can it stand on rules of engagement that the attacker does not know of? Not only do we need to establish clear rules of engagement, we need to establish and disclose clear rules of engagement if any policy of deterrence is to be effective in cyberspace.

Finally, as we go about these six tasks, the government must be as transparent as possible with the American people. I doubt very much that the Obama administration would abuse new authorities in cyberspace to violate Americans' civil liberties. But on principle, I firmly and strongly believe that maximum transparency to the public and rigorous congressional oversight are essential. We have to go about this right.

I look forward to working with my Senate colleagues and with the administration as the Congress moves toward comprehensive cyber security legislation to protect our country before a great cyber attack should befall us.

Let me close my remarks by saying the most somber question we need to face is resilience.

First, resilience of governance: How could we maintain command and control, run 9–1–1, operate FEMA, deploy local police and fire services, and activate and direct the National Guard if all of our systems are down?

Second, resilience of society: How do we make sure people have confidence during a prolonged attack that food, water, warmth, and shelter will remain available? Because the Internet supports so many interdependent systems, a massive or prolonged attack could cascade across sectors, compromising or taking over our communications systems, our financial systems, our utility grid, and the transportation and delivery of the basic necessities of American life.

Third, our American resilience as individuals: Think about it. Your power is out and has been for a week. Your phone is silent. Your laptop is dark. You have no access to your bank account. No store is accepting credit cards. Indeed, the corner store has closed its doors and the owner is sitting inside with a shotgun to protect against looters. Gasoline supply is rationed with National Guard soldiers keeping order at the pumps. Your children are cold and hungry and scared. How, then, do you behave?

I leave this last question, our resilience as a government, as a society, and as individuals to another day. But I mention it to highlight the potentially catastrophic nature of a concerted and prolonged cyber attack. Again, such an attack could cascade across multiple sectors and could interrupt all of the different necessities on which we rely.

When your power is down, it is an inconvenience but you can usually call somebody on the phone. Now the phone is out, so you can go to the laptop and try to e-mail somebody, but there is no signal on the laptop. You need cash. You go to the ATM. It is down. The bank is not open because a run would take place against its cash assets, given the fact that it can no longer reliably electronically let its customers know what their bank account balances are.

We are up against a very significant threat. I hope some of the guideposts I have laid out will be helpful in designing the necessary legislation we need to put in place to empower our country to successfully defend against these sorts of attacks.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROBERT FORBUSS

Mr. REID. Mr. President, I rise today to honor Mr. Robert ''Bob'' Forbuss for his service to the people of Nevada. Tomorrow evening, at its Annual Convention and Tradeshow in Las Vegas, the American Ambulance Association will honor Mr. Forbuss for his many years of work on behalf of ambulance services in Nevada and throughout the Nation. Today I am happy to call the attention of the Senate to the selfless service that my good friend has rendered to the State of Nevada.

Bob is a native Nevadan who has served this community for nearly four decades as an educator, elected official, businessman, and community advocate. After earning his degrees in political science and public administration from Long Beach State University, Bob returned to Las Vegas and began his professional career as a teacher at Bishop Gorman High School from 1972–1979. He then served on the Clark County School Board of Trustees for 8 years and was an influential advocate for education initiatives in Southern Nevada. For his many years of service to education in Nevada, Bob was eventually honored by the Clark County School District in the naming of the Robert L. Forbuss Elementary School. It is fitting that such a fine educator will forever have his name stamped on the hearts of the students that attend Forbuss Elementary School.

During his tenure at Bishop Gorman, Bob became an emergency medical technician, EMT, and worked during his summer breaks for Mercy Medical Services. He quickly worked his way through the managerial ranks of Mercy and eventually became an owner of the company. Mercy soon became a flagship and model operation in the United States for paramedic services and Bob became a recognized leader in EMS Services, winning numerous awards and becoming a popular speaker at national conferences.

One of his greatest achievements, and the one for which he is being recognized tomorrow evening, has been his work on behalf of the American Ambulance Association, AAA. The AAA was formed in response to the need for improvements in medical transportation and emergency medical services. Bob was an original founder of the AAA, and he later served as the organization's president. I have no doubt that throughout his presidency, and the subsequent years of service that followed, he has labored diligently to ensure that our Nation's ambulatory systems have the resources they need to serve our families, friends, and communities.

Today, I express my sincere thanks to my dear friend for the noble work that he has performed over the years.

Bob Forbuss has touched the lives of countless Nevadans and others throughout our Nation, and in so doing has established a legacy of service for all to follow.

THE RELEASE OF AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, this past weekend produced the first heartening news out of Burma in recent memory. Coming just days after the junta held its charade-like elections, this past Saturday Aung San Suu Kyi was released from house arrest where she had spent 15 of the past 21 years.

While fellow advocates of democracy in Burma rightly rejoice in her being freed, our feelings of joy and relief are tempered by several sobering concerns. First, there is the matter of her safety. We all remember the brutal attack against her in 2003. That must not be permitted to happen again. Second, we know Suu Kyi has been released in the past only to be later detained on trumped-up charges. We want her release to be permanent, not temporary. Third, although she was granted unconditional release, it remains to be seen whether the regime will tolerate her active participation in public affairs. And that is essential for Burma to undertake any meaningful progress toward democracy. Finally, while Suu Kyi has been released from detention, more than 2,000 other prisoners of conscience remain imprisoned in Burma. Only when all are unconditionally freed can the people of Burma truly begin the process of democratic reform and reconciliation.

Make no mistake, the release of Suu Kyi is a positive step forward in Burma. Yet it is only the first—and by no means the final—step that must take place in that beleaguered country.

REMEMBERING SENATOR TED STEVENS

Mr. DODD. Mr. President, I rise today to pay tribute to the life of a friend and former colleague, former Senator Ted Stevens, who passed away this August in a plane crash. I know that I speak for all of my colleagues when I say how difficult it was to receive news of Ted's passing this summer, and I would like to take this moment to convey my heartfelt condolences to everyone who knew, worked with, and enjoyed Ted during his life.

I believe that Ted will long be remembered as a man of the Senate. First appointed to his seat more than four decades ago, Ted Stevens became the longest-serving Republican in the history of this body in 2007. Throughout his tenure in Washington, Ted served in a number of key leadership positions, including as chairman of the Senate Appropriations Committee and as President pro tempore.

Over the years, I had the pleasure of being able to collaborate with Ted on a number of critically important issues, including, perhaps most recently, legislation that I introduced during the 110th Congress to provide paid leave to workers under the auspices of the Family and Medical Leave Act. And while Ted and I did not substantively agree on much, he didn't shy away from reaching out across the partisan divide to get things done. In fact, it was his willingness to work with Democrats—to seek out common ground and compromise on areas of contention when necessary—that made him such a prolific, effective, and well-respected member of this body.

The incredibly strong bonds Ted forged with his colleagues over the years were in full display at his memorial service in Alaska over the summer. I made the trip up north to attend his funeral, and I found it incredibly moving to hear the words of Ted's longtime friend, my colleague Senator INOUYE, who delivered Ted's eulogy, and our Vice President JOE BIDEN, who also made some remarks during the service. Clearly, this was a person who left not only an indelible mark on the Senate as a body, but on many of the individual Senators who had the opportunity to serve with him over the years.

That was certainly the case for me. Years ago, Ted Stevens and I participated in the U.S.-Canadian interparliamentary meeting together. It was one of the most enjoyable 4 days I spent in my 30 years in the Senate for one simple reason—in addition to all his substantive talents, Ted Stevens was great fun—he loved his family, Alaska, his country and his friends.

And on that last point, while it is true that Ted was a creature of the Senate, I believe Ted Stevens will be remembered far into the future first and foremost as a man of Alaska. Ted truly loved his home State, and over the years, he cultivated a strong reputation as one of its greatest champions.

Indeed, Ted's own life was inextricably linked to many of the major events and advancements that occurred in Alaska's history over the past half century. Having served with distinction in World War II as a pilot for the U.S. Army Air Corps in Asia, Ted graduated from Harvard Law School in 1950 and moved to Fairbanks to practice law. Several years later, Ted was brought on to work for the Interior Department under President Eisenhower. In that capacity, Ted advocated very persistently for Alaskan statehood, finally helping make that goal a reality in 1959. Later on, as a Senator, Ted once again worked hard on behalf of his State, its people and interests, fighting to direct federal resources to that vast, sparsely populated, and incredibly beautiful corner of our country.

Ted viewed himself as Alaska's chief advocate here in Washington, and throughout his four decades in the Senate, he never deviated from that mission. Known by many of the Alaskans he helped over the years simply as ''Uncle Ted,'' Ted Stevens was singularly devoted to serving his constituents and ensuring their needs and concerns were given a voice on Capitol Hill. And it is that level of dedication to the people who sent him here to represent their interests that will ultimately be Ted Stevens' greatest legacy.

Once again, I would like to express my sincere condolences to Ted's wife Catherine; his children Susan, Elizabeth, Walter, Theodore, Ben, and Lily; and his 11 grandchildren. And I would also like to take this opportunity to thank Ted for his years of tireless and selfless service on behalf of his State and country.

Mr. CORNYN. Mr. President, this past summer the people of Alaska lost one of its favorite sons, and many of us in the U.S. Senate lost one of our mentors and friends. His name was Senator Ted Stevens.

By the time I took my seat in this Chamber, Senator Stevens had already held his for more than three decades. He chaired numerous committees, served as President pro tempore, and was widely regarded as one of the most gifted parliamentarians on our side of the aisle. His forty years of service is the longest tenure of any Republican in the history of the United States Senate.

Senator Stevens championed landmark legislation that has transformed Alaska, America, and the world. He helped settle land claims of Native Americans, guard fisheries and protect natural wonders of his home State. He helped guide the Trans-Alaska Pipeline Act into law, which has dramatically improved our Nation's energy security. He helped strengthen our Armed Forces to defend America's interests and values. He helped reform the United States Olympic Committee, and has given generations of American athletes the chance to succeed at the highest levels of international competition.

Ted Stevens' devotion to his adopted home State extended well beyond his service in Washington. After earning a Distinguished Flying Cross in World War II and graduating from Harvard Law School, he served as U.S. attorney in Fairbanks. In 1958, as legislative counsel for the Department of the Interior here in Washington, he helped shepherd Alaska's Statehood Act into law. In 1999, his State's legislature named him the ''Alaskan of the Century.'' As one of his family members put it, the legacy of Ted Stevens is the 49th star on the American flag.

Four other individuals perished in the plane crash that claimed the life of Senator Ted Stevens on August 9, and we pray for all those who lost loved ones on that night. Sandy and I especially keep in our hearts those whom Ted Stevens loved most: his wife Catherine, his 6 children, his 11 grandchildren, and the nearly 700,000 Alaskans who cherish the memory of ''Uncle Ted.''

HONORING OUR ARMED FORCES

STAFF SERGEANT INGLÉS DOSREIS

Mr. LAUTENBERG. Mr. President, I rise today to honor the life of SSG Inglés DosReis, who was tragically killed on August 28, 2009, while serving at Aviano Air Base in Italy.

Staff Sergeant DosReis enlisted in the Air Force in February 2005, immediately following his graduation from high school. He was a member of the 51st Security Forces Squadron stationed out of Osan Air Base in South Korea from August 2005 until August 2006. He was subsequently transferred to the 31st Security Forces Squadron at Aviano Air Base, where he started as an installation entry controller. He deployed to Iraq in August 2007 and received the Army Achievement Medal for his service. Staff Sergeant DosReis served in Iraq until February 2008 and upon his return he became a certified desk sergeant at Aviano Air Base. He was posthumously promoted by the Air Force to the permanent grade of staff sergeant in August 2009.

Staff Sergeant DosReis' family fondly remembers him as an intelligent and kindhearted man and a loving husband to his wife Katherine and father to his son Christian. A great athlete, Staff Sergeant DosReis spent much of his childhood playing basketball and had a passion for sports. He was also a natural student, earning honors in high school and later going on to take classes at the Community College of the Air Force with a major in political science.

Over a year has passed since SSG Inglés DosReis was tragically taken from those who love him. Today, I join Staff Sergeant DosReis' family and friends in commemorating his life by entering his name in the RECORD. As a member of the Air Force, he showed his loyalty and commitment to freedom and peace and today we honor his service and sacrifice for our country.

LANCE CORPORAL IRVIN M. CENICEROS

Mrs. LINCOLN. Mr. President, today I honor of LCpl Irvin M. Ceniceros, 21, of Clarksville, who died on October 14, 2010, while supporting combat operations in Helmand Province, Afghanistan.

My heart goes out to the family of Lance Corporal Ceniceros, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the sacrifice he and his family have made. I am committed to ensuring that all of our veterans always have the full support they need and deserve, and I can assure our brave soldiers and their families that our grateful Nation will not forget them when their military service is complete.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Lance Corporal Ceniceros was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

STAFF SERGEANT CARLOS A. BENITEZ

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Carlos A. Benitez. Staff Sergeant Benitez, who was assigned to the 10th Cavalry Regiment, 4th Infantry Division, in Fort Carson, CO, died on October 14, 2010, from injuries sustained when an improvised explosive device detonated near his vehicle. Staff Sergeant Benitez was serving in support of Operation Enduring Freedom in Afghanistan. He was 24 years old.

A native of Carrollton, TX, Staff Sergeant Benitez graduated from Creekview High School and joined the Army in October 2004. He served three tours of duty: two in Iraq and one in Afghanistan—all with decoration. His wife and young daughter and son moved to Colorado for Staff Sergeant Benitez's most recent assignment.

During 5 years of service, Staff Sergeant Benitez distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was awarded numerous awards and medals, including two Army Commendation Medals, the Valorous Unit Award, the Army Good Conduct Medal, the Afghanistan Campaign Medal with Campaign Star, and the Iraq Campaign Medal with four Campaign Stars.

Staff Sergeant Benitez worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember his commitment to his wife. His mother, Imelda, remembers how her son wanted to enlist in the Army when he was just 17. She made him wait an extra year.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Staff Sergeant Benitez's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Staff Sergeant Benitez will forever be remembered as one of our country's bravest.

To Staff Sergeant Benitez's wife, their children, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Carlos's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 2925, Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010.

I support the goals of this legislation and believe slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

While the Judiciary Committee considered and amended this bill in its Executive Business Meeting, making some positive changes, I still have several concerns with the committee-reported language. First, although the new grant program created by this legislation will be inserted into existing trafficking law, the bill extends the current funding authorization period. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) established the current law regarding trafficking, but its funding authorizations expire in 2011. However, in combining this bill's new grant program with existing TVPRA grants, it also extends the grant's authorization through 2014. Thus, the bill authorizes new spending of $15 million per year from 2012–2014, totaling $45 million that is not offset by reductions in real spending elsewhere in the federal government.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over $13 trillion. That means over $43,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $10.2 trillion. Despite pledges to control spending, Washington added $4.6 billion to the national debt every single day last year—that is $3.2 million every single minute.

Second, the Sex Trafficking Block Grants in S. 2925 go beyond the responsibility of the federal government by allowing grantees to use grant money for activities that are rightly the responsibility of individual states. The grants may be used to provide clothing, daily necessities, counseling and legal services to trafficking victims. They may also be used to provide training for state and local law enforcement officers and social service providers. Finally, the grants may be used to fund salaries for state and local law enforcement officers and prosecutors, as well as investigation expenses for

minor sex trafficking cases prosecuted by the state. All of these expenses can and should be provided by the states, not the federal government.

I agree the problem of sex trafficking, particularly when the victims are children, is an important issue both state and federal governments should address. As ranking member of the Human Rights and the Law Subcommittee, I have seen the effects of the sex trade industry both internationally and domestically. As it pertains to domestic child sex trafficking victims, however, I believe the federal government should not be the primary provider of services for these victims.

Most cases involving child sex trafficking are prosecuted at the state level, while the federal government typically only joins cases involving large sex trafficking rings that often include other federal criminal activity. As a result, I have concerns that this legislation places too great of a burden on the federal government to provide funding for trafficking victims' services. In addition, the bill allows grant funds to be used in many ways beyond basic services that I believe both detract from the goal of assisting victims and duplicates funding already provided by other federal grant programs.

Third, only 50% of the grant funds are required to go toward actual victims' services. The other 50% can be used for salaries for state law enforcement officers and prosecutors, as well as state trial and investigation expenses. While I do not support the federal funding of food, clothing and other daily necessities for these victims, by refusing to require a higher percentage of the grant to go toward these types of direct victims' services, the bill does not fulfill its goal.

Finally, while I was encouraged by some of the compromise language that was included in the bill the Judiciary Committee ultimately passed, such as inserting the bill's grant program into an existing federal program to avoid some of the overlap and direct duplication it initially created, there remain several broad Justice Department grant programs that can be used for the purposes outlined in this bill's grant program. All of the Edward Byrne Grant programs, including the Discretionary Grants or earmarks, the Community Oriented Policing Service (COPS) grants and multiple juvenile justice grants offered through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) contain broad language that would allow these grants to be used for the purposes outlined in S. 2925.

While there is no question that the sex trafficking industry has lifelong, horrific effects on its victims, particularly minors, both federal and state governments bear the burden of addressing this issue. It is the states who should provide funding for the permissible purposes under this bill's grant program, as it is state and local agencies which have the responsibility to carry out these services. Furthermore, the federal government already provides funding to address trafficking issues, and grant programs are available to state and local governments that can be used to help sex trafficking victims. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT

Mr. BOND. Mr. President, last June, Senator HATCH and I introduced S. 3538, the National Cyber Infrastructure Protection Act. This bill responds to the concern expressed by former Director of National Intelligence Mike McConnell that ''[i]f we were in a cyber war today, the United States would lose.''

The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public-private partnership to facilitate sharing cyber threat information, research, and technical support.

Since filing the bill, we have continued to work with government, industry, and privacy experts in making sure that the solutions identified in this bill are effective. There are many different opinions out there on how best to tackle the cyber security problems we face, and so we remain open to looking at ideas for improving the bill. Earlier today, we filed a substitute amendment to S. 3538 that incorporates a number of these suggested improvements. It has been referred to committee.

The original bill would have housed the National Cyber Center administratively in the Department of Defense so as to reduce start-up costs and logistics. We appreciate the concerns some may have with the appearance we are militarizing cyber security, so our substitute creates the center as a standalone entity, like the Office of the Director of National Intelligence. In this way, it will be clear we are not militarizing cyber security and one department does not have the inside track over any other when it comes to securing our government networks. In order to make sure there is appropriate input from DOD and DHS, we are also creating two deputy directors, instead of one, with each appointed by the respective Secretaries with the concurrence of the Director of the National Cyber Center.

Second, the Cyber Defense Alliance is a pivotal component for encouraging government and the private sector to collaborate and share information on cyber-related matters. We recognize that the private sector is often on the front lines of cyber attacks, so any information they can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

All of this sharing can raise significant privacy concerns. So, in response to suggestions we have heard, our substitute bill adds language to clarify that at least one of the private sector members of the board of directors must have experience in civil liberties matters. We believe this will ensure that privacy concerns are taken seriously at the very top levels of the Alliance. We all have an interest in making sure that threat information is shared, but we also have an interest in making sure that no one's privacy rights are violated.

The next Congress needs to focus on passing effective cyber legislation. I believe that S. 3538, as amended, provides a solid starting point for that effort. The bill addresses the most pressing needs: it puts someone outside the White House in charge of cyber policy and the Federal cyber budget; it provides a national cyber center that can oversee and coordinate cybersecurity for dot.gov and dot.mil; and it creates a public-private partnership that will harness the creativity of the private sector to better protect our dot.com networks.

Congress should avoid the temptation to overlegislate in this area. We need to walk before we can run. Once this basic cyber infrastructure is established, it will bring the leading public and private cyber experts together to shape cyber activities and policies. These experts will then be in an ideal position to advise Congress and the administration on the need for any additional steps to ensure our cybersecurity.

I thank my good friend Senator HATCH for his close collaboration on this legislation. I know he will be an effective advocate for this approach when the bill is filed in the next Congress.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, recently I spoke to the Senate on the occasion of the consideration of the nomination of Jane Branstetter Stranch of Tennessee to the Sixth Circuit. It was nearly 10 months after her nomination was favorably reported by the Senate Judiciary Committee that Senate Republicans finally consented to a time agreement and vote, despite the support of the senior Senator from Tennessee, a member of the Republican leadership. Nevertheless, I said then that if consideration of the Stranch nomination, after months of needless delay, represented a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delays, I welcomed it. I urged the Senate to consider the other 16 judicial nominations then on the Senate Executive Calendar favorably reported by the Judiciary Committee without further delay.

Regrettably, since Judge Stranch was approved by a bipartisan majority on September 13, the Senate has not considered a single additional judicial nomination, although some were reported as long ago as January. Indeed,

during the rest of this work period the list of judicial nominations stalled on the calendar has grown to 23, including 16 that were reported by the committee unanimously. Meanwhile judicial vacancies around the country continue to rise and now number 104. These include 48 vacancies that the Judicial Conference has designated as judicial emergencies.

The Senate is well behind the pace set by a Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. Republicans have allowed the Senate to consider and confirm only 41 of President Obama's circuit and district court nominations over the last 2 years. In stark contrast, by this date in President Bush's second year in office, the Senate with a Democratic majority had confirmed 78 of his Federal circuit and district court nominations. That number reached 100 by the end of 2002, all considered and confirmed during the 17 months I chaired the Senate Judiciary Committee.

During those 17 months, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach, and the committee has held 25 hearings for President Obama's Federal circuit and district court nominees. I have not altered my approach and neither have the Senate Democrats.

One thing that has changed is that we have been able to hold hearings for nominees more regularly because we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed. During 2001 and 2002, President Bush abandoned the procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

When I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the ''judge wars'' as tit-for-tat. Despite that fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration to more than 110, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than four percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans have returned to the strategy they used during the Clinton administration of blocking the nominations of a Democratic President, again leading to skyrocketing vacancies. Last year the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are, again, over 100 and, again, more than 10 percent.

This trend should alarm the American people who expect justice from the Federal courts. I will ask consent to have printed in the RECORD at the conclusion of my statement a recent column by Attorney General Eric Holder about the cost to the American system of justice. He writes:

> The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.
>
> Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

I will also ask consent to have printed in the RECORD at the conclusion of my statement a recent article that appeared on Slate by Dahlia Lithwick and Professor Carl Tobias, pointing out that thousands of hard-working Americans seeking justice in our courts bear the cost of justice delayed and denied as a result of vacant courtrooms and overburdened judges. Many senior and retired judges continue to try to carry the workload, but we fall farther behind. They write:

> It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans plaintiffs and defendants whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Earlier this month, I spoke to the Senate about the serious warning issued by Justice Anthony Kennedy at the Ninth Circuit Conference about skyrocketing judicial vacancies in California and throughout the country. He said, ''It's important for the public to understand that the excellence of the federal judiciary is at risk.'' He noted that ''if judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.'' A recent editorial in the Los Angeles Times focuses on the acute problems in the Ninth Circuit and urges the Senate to act on three nominations to fill vacancies in Federal courts in California.

President Obama has not made nominations opposed by home State Senators but has, instead, reached out and worked with home State Senators from both parties. Likewise, I have respected the minority. We have tried to develop and improve the cooperation between parties and branches. It is disappointing to see others take the opposite approach. We could help to address this vacancies crisis just by acting on the judicial nominations ready for action but which remain stalled on the Executive Calendar.

I have worked closely with the ranking Republicans on the Judiciary Committee while serving as its chairman. I have enjoyed my relationship with the current Ranking Republican, and I have often thanked Senator SESSIONS for his cooperation in working with me to hold hearings and consider nominations in committee. I was disappointed by his statement to the Senate last week, however. He is entitled to his own perspective on these matters, of course. I feel very strongly that Democrats in the Senate treated President Bush's judicial nominations better and more fairly than Republicans had those of President Clinton, and certainly better than President Obama's nominees are currently being treated. The comparison of vacancy rates and the number of judges confirmed in President Bush's first 2 years with a Democratic majority—100, including 17 circuit court nominations—bear that out. I also believe that there was a clear difference in the smaller number of judicial nominees opposed by Democratic Senators and the open manner in which Democrats made clear the basis of their opposition in contrast to the secret holds and across the board nature of the Republican opposition. Another indisputable fact is the judicial vacancy crisis during the Clinton administration that has been recreated since President Obama was elected. By contrast, during the Bush administration

Senate Democrats worked to reduce vacancies and the result was that we did so dramatically.

Indeed, much of Senator SESSIONS' statement last Wednesday reads like an attempted justification for some sort of payback. He does concede that we proceeded promptly to confirm President Bush's district court nominations, but unfortunately attributes a sinister cast even to those actions. Sometimes the statement does not merely attribute the wrong motive or mischaracterize what happened, but is a misstatement of the facts. For example, the Senator suggested that the Senate confirmed only 6 of President Bush's 25 circuit court nominees. In fact, we worked hard to confirm 17 circuit court nominees in the 17 months that I chaired the committee during 2001 and 2002.

By contrast, only 11 of President Obama's circuit court nominees have been confirmed these 2 years—this, despite the fact that 17 have, so far, been reported by the Judiciary Committee. Five of the six circuit court nominations stalled and still being prevented from being considered were reported unanimously, one as long ago as January. This is another good illustration of the difference in how Republican and Democratic Senators have treated judicial nominations by the President of the other party.

Democratic Senators did not stall such consensus nominations for spite or payback. And when we opposed nominations we said why. Unlike President Bush, President Obama has not made a series of judicial nominees designed to pack the courts with ideologues. Instead, he has worked with home State Senators and selected highly qualified, predominately moderate nominees.

Nor have we sought to force through nominations by ignoring the rules and traditions of the Senate or the committee, as Republicans did. Those practices are detailed in my contemporaneous statements at the time but ignored in the statement made last Wednesday. For example, when I became chairman in 2001, I made home State Senators' ''blue slips'' public for the first time, preventing Senators from anonymously blocking committee action on judicial nominees. That was a bad practice that led to the pocket filibusters of more than 60 of President Clinton's judicial nominees. Also ignored in last Wednesday's statement was the history of earlier filibusters, such as that of the Supreme Court nomination of Abe Fortas to be the Chief Justice and of President Clinton's nominations to the Ninth Circuit.

The statement was in many regards ahistorical or anti-historical. In complaining about a handful of Fourth Circuit nominees in the last 2 years of President Bush's administration, the statement ignored the fact that we had broken the logjam caused by 8 years of Republican obstruction of President Clinton's nominations to that circuit and that the examples cited were after vacancies had been reduced and in light of opposition from home State Senators to some of the nominees. Indeed, we might have made even more progress had President Bush not proceeded for years to make several extreme nominations. The statement also seems unaware of the work we did to resolve the impasse in the Sixth Circuit, resulting in every single vacancy in the circuit being filled by President Bush.

Regrettably, the Senate this year is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district and circuit court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Senate Republicans have refused to allow prompt consideration even to those consensus nominations that are reported unanimously and without opposition by the Judiciary Committee. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed.

In 2001 and 2002, the first 2 years of the Bush administration, the Senate with a Democratic majority confirmed 100 judicial nominees. We obviously will not reach that level or reduce judicial vacancies as effectively as we did in those 2 years. What we can do is consider the 23 judicial nominations already on the calendar. That could bring us to 64 Federal circuit and district court confirmations. If we also completed action on the 11 additional judicial nominees who participated in September hearings, that could bring us to a respectable total of 75 circuit and district court confirmations. That would be in the range of judicial confirmations during President Reagan's first 2 years (88) and President George H.W. Bush's, 72, but pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 126.

Mr. President, I ask unanimous consent to have printed in the RECORD those materials to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Sep. 28, 2010]

NOW VACANT: A CONFIRMATION CRISIS IN OUR COURTS

(By Eric H. Holder, Jr.)

More than a year ago, President Obama nominated Jane Stranch, a respected Nashville labor lawyer, to a seat on the U.S. Court of Appeals for the 6th Circuit. That vacancy had been declared a ''judicial emergency'' because the Sixth Circuit does not have enough judges to promptly or effectively handle the court's caseload, leading to serious delays in the administration of justice to people in Tennessee and other parts of the 6th Circuit. Yet despite the fact that Judge Stranch enjoyed the support of both of her Republican home-state senators and bipartisan support in the Senate Judiciary Committee, she was forced to wait almost 300 days for an up-or-down vote by the full Senate. When she finally received that vote earlier this month, she was confirmed overwhelmingly.

Unfortunately, her story is all too typical. Nominee after nominee has languished in the Senate for many months, only to be confirmed by wide bipartisan margins when they finally do receive a vote. As Congress finishes its last week in session before the November elections, our judicial system desperately needs the Senate to act.

Today, 23 judicial nominees—honest and qualified men and women eager to serve the cause of justice—are enduring long delays while awaiting up-or-down votes, even though 16 of them received unanimous bipartisan approval in the Judiciary Committee. The confirmation process is so twisted in knots that we are losing ground—there are more vacancies today than when President Obama took office. The men and women whose confirmations have been delayed have received high marks from the nonpartisan American Bar Association, have the support of their home-state senators (including Republicans), and have received little or no opposition in committee. These outstanding lawyers and jurists deserve better, as do litigants who bring cases to increasingly understaffed courts.

In the Eastern District of California, in Sacramento, there are 1,097 cases filed per judge annually. Six months ago, the president nominated California Judge Kimberly Mueller to help relieve that workload. Judge Mueller is a distinguished jurist with seven years' experience as a magistrate judge, a unanimous rating of well qualified from the American Bar Association and the unanimous backing of the Senate Judiciary Committee. Yet she has still not been confirmed.

For the 4th Circuit, the president nominated Albert Diaz, an experienced state court judge and former Marine and officer in the Navy's Judge Advocate General Corps, to a seat on the U.S. Court of Appeals that has been vacant for more than three years. He was approved unanimously by the Senate Judiciary Committee in January and is strongly backed by both of North Carolina's senators. Yet Judge Diaz has waited 242 days for a vote by the full Senate.

In the rotunda outside my Justice Department office, it is inscribed that ''The United States wins its point whenever justice is done its citizens in the courts.'' As attorney general, I have the privilege of leading a strong department in which public servants seek justice every day. But the quotation that has greeted attorneys general for the past 70 years serves as a reminder that justice depends on effective courts. The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.

Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

The problem is about to get worse. Because of projected retirements and other demographic changes, the number of annual new vacancies in the next decade will be 33 percent greater than in the past three decades. If the historic pace of Senate confirmations continues, one third of the federal judiciary will be vacant by 2020. If we stay on the pace that the Senate has set in the past two years—the slowest pace of confirmations in history—fully half the federal judiciary will be vacant by 2020.

As Justice Anthony Kennedy recently noted, the ''rule of law is imperiled'' if these important judicial vacancies remain unfilled. In 2005, Senate Republican leader Mitch McConnell called on Congress to return to the way the Senate operated for over 200 years, and give nominees who have majority support in the Senate an up-or-down floor vote.

I agree. It's time to address the crisis in our courts. It's time to confirm these judges.

[From Slate.com, Sep. 27, 2010]

VACANT STARES—WHY DON'T AMERICANS WORRY ABOUT HOW AN UNDERSTAFFED FEDERAL BENCH IS HAZARDOUS TO THEIR HEALTH?

(By Dahlia Lithwick and Carl Tobias)

The prospect of a federal bench with nearly one out of every eight judicial seats vacant should scare the pants off every American. Yet few Americans are as worked up about it as those of us who think and worry about it a lot. Our argument was already a tough sell before the threat of global terrorism and a collapsed economy ate up every moment of the national political conversation. Now a 10 percent judicial vacancy rate seems like a Code Beige emergency in a Code Red world.

Part of the problem is politics: It has often seemed that the only people screaming for speedy judicial confirmations are panicked because it's their judges being blocked. The party not currently in control of the White House and Senate often sees less crisis than opportunity in a dwindling bench. Moreover, when the entire judicial selection process has been as fiercely politicized as it is has become lately, most Americans may suspect that empty benches might be better for democracy than full ones. But judicial vacancies are disastrous for Americans, all Americans, and not merely for partisan reasons, but also for practical ones. That's why in a recent speech, Justice Anthony Kennedy warned: ''[I]t's important for the public to understand that the excellence of the federal judiciary is at risk. If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.''

Yet this issue, which seems to light up editorial writers and Brookings scholars with such ease, appears to leave the rest of you cold. So here we are taking one last crack at scaring your pants off with some strictly nonpartisan facts about the dangers of judicial vacancies.

Justice delayed truly is justice denied. There are approximately 850 lower-court federal judgeships, of which more than 100 are currently vacant, while 49 openings in 22 states are classified ''judicial emergencies.'' Eighty-three of these are on the district courts—the trial courts that decide every important federal question in the country, on issues ranging from civil rights to environmental, economic, privacy, and basic freedoms. Whereas judicial obstruction once reached no further than the federal appeals courts, for the first time even noncontroversial district court nominees are being stalled by arcane Senate reindeer games. It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans—plaintiffs and defendants—whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Overtaxed federal judges can't do justice at some point. Take, for instance, the federal court based in Denver, where five active judges are doing the work that ought to be done by seven. The Judicial Conference of the United States suggests the court needs another judgeship and has labeled the two vacancies a ''judicial emergency'' because the judges there each carry 593 instead of the 430 cases deemed optimal. Alliance for Justice today put out a new report on the jurisdictions designated as judicial emergencies. Among their findings: Judicial emergencies have more than doubled over the first 20 months of the Obama administration, and judicial emergencies now exist in 30 states. In many jurisdictions, judges who should have retired years ago are still actively hearing cases on courts that can't afford to lose even one more judge. This places unfair, undue pressure on every federal judge now sitting. Most judges have been stoic in the face of mounting work and caseloads. Few openly complain, lest they appear to be taking sides in the confirmation wars. Still the crisis is so urgent that some judges have begun to speak out: In May, Chief Judge Wiley Daniel of the U.S. District Court in Denver wrote to the majority and minority leaders in the Senate urging prompt confirmation and explaining that lingering vacancies impede public access to justice. Six highly regarded retired federal judges at the same time wrote to the senators that the current gridlock is not tenable for a nation ''that believes in the rule of law.'' In 1997 and again in 2001, Chief Justice William Rehnquist admonished the White House and Senate, then in control of opposite parties, to fill the many vacancies for the good of the nation. Imagine how you would feel if your heart surgeon had to perform thousands of surgeries each day. That's how worried you should be about federal judges forced to manage ever-expanding caseloads.

Potential judges won't agree to be nominated. Depending on who's doing the calculations, the average length of time between being nominated and confirmed has more than quadrupled in the Obama administration. As a result of procedural shenanigans in the Senate, nominees may remain in limbo for months, with careers and law practices stuck on hold as they await a vote that may never come. Indeed, 6th Circuit Judge Jane Stranch waited 13 months for a 71–21 vote, while Judge Albert Diaz, a 4th Circuit nominee, has waited nearly 11. As the wait for confirmation drags on ever longer, the best nominees will be inclined to start to wonder whether it's worth the bother. Many excellent potential nominees may not even entertain the prospect of judicial service anymore. As President Stephen Zack, president of the American Bar Association, recently put it: ''The current gridlock discourages anyone from subjecting themselves to the judicial nomination process.''

The more seats remain vacant, the greater the incentive to politicize the process. In the George W. Bush administration, the judicial-vacancy rate dropped to 4 percent. Now it's up to 10 percent again. The stakes become higher and higher as the opportunity to significantly reshape the federal bench becomes more real. The incentive for a Senate minority to obstruct nominees also grows with the vacancy rate. The party not in control of the White House invariably believes it will recapture the presidency in the next election and thus has the opportunity to appoint judges more to its liking. Accordingly, each nominee obstructed now is another vacancy reserved for the out-of-power party's president. These dynamics are evident with the midterm elections approaching: The process has now essentially shut down. That's why only one appellate nominee even received floor consideration between April 23 and Sept. 12 of this year.

The rampant politicization of the selection process is undermining public respect for the co-equal branches of government. President George W. Bush's use of the White House for a ceremony introducing his first 11 appellate nominees and his promotion of his judicial nominees exacerbated the sense that federal judgeships were a political prize for the winning party. Obama has attempted to depoliticize the confirmation process by naming judges generally regarded as centrist and moderate—much to the dismay of many liberals. But it has changed nothing. When the Senate confirmation process degenerates into cartoonish charges of judicial unfitness, name-calling, recriminations, and endless paybacks, the consequences go far beyond the legitimacy of Congress, to the legitimacy of the courts themselves. As courts are batted around for partisan political purposes, nominees and judges appear to be purely political actors—no different than members of Congress or the president. That doesn't just hurt judges. It hurts those of us who rely on judges to deliver just outcomes.

Americans watching the confirmation wars won't ultimately recall which president named which judge or what the final vote was. But they may begin to accept as normal an inaccurate and deeply politicized vision of judges as a bunch of alternating partisan hacks and a federal bench that is limping, rather than racing, to do justice.

NATIONAL HOME CARE AND HOSPICE MONTH

Mr. WYDEN. Mr. President, our country strives to provide exceptional support for the sick, elderly and terminally ill in home and hospice settings. These vulnerable individuals, as well as their family caregivers, are indebted to the many professionals and volunteers who have made it their life's work to serve those in greatest need. Nearly 83,000 hospice professionals, 46,000 hospice volunteers and 1 million home health providers, nationally, contribute significantly to our health care system through their compassion and commitment.

Hospice care provides humane and comforting support for over 744,000 terminally ill patients and their families each year. These services include pain control, palliative medical care and social, emotional and spiritual services.

Hospice supports the basic human needs for feeling comfortable, in a familiar environment, surrounded by loving caregivers and family during the later stages of life. Hospice care is an effective model for the interaction of interdisciplinary teams of health professionals, family members and volunteers in providing care for those needing care in our communities.

The movement to provide health care and supportive services in the home environment has evolved rapidly over the past few decades. Home care services typically bring the expertise and compassion of providers in numerous disciplines into the setting where most sick patients prefer to reside—the home. More than 11 million Americans benefit each year from this approach.

We have made great strides in advancing care for all Americans through the recently enacted Affordable Care Act. A key provision in this effort is the establishment of a Medicare hospice concurrent care demonstration program, which would allow patients who are eligible for hospice care to also receive all other Medicare covered services during the same period of time. Following establishment of this program, I am hopeful that this country will move in a direction where individuals and families do not have to make the difficult choice between hospice and curative care in the Medicare Program.

On behalf of Oregon home health and hospice providers celebrating November as home care and hospice month, I thank the thousands of everyday heroes such as home health nurses, therapists, and aides, who work tirelessly to provide professional health and palliative care and support to millions of Americans in need of quality health services. Their efforts allow families to stay together, and provide greater comfort and dignity to those in our communities.

THE JOHN HANSON NATIONAL MEMORIAL ASSOCIATION

Mr. CARDIN. Mr. President, I wish to recognize a fellow Marylander, John Hanson, whose statue graces Statuary Hall here in the U.S. Capitol. George Washington is properly revered as the ''Father of our Country'' and the Nation's first President. But we mustn't overlook John Hanson's seminal contributions to the birth of the United States. In October 1781, the British surrendered at Yorktown, VA, and the American Revolution was over. A month later, Hanson became the first elected President of the Continental Congress established under the Articles of Confederation. He was unanimously elected and served one term, from November 5, 1781 to November 3, 1782.

John Hanson's administration began the task of creating the governmental infrastructure to meet the needs of a growing, diverse nation. Under his leadership, the Nation's first central bank was created, along with the post office, the departments of State, War and Treasury, the diplomatic corps, the national seal, and the annual observance of Thanksgiving Day. As the first elected President of our independent Nation, President Hanson began the task of unifying the former colonies and providing for their common defense, communication, and economic growth.

The John Hanson National Memorial Association now seeks to memorialize John Hanson and recognize his contributions to our Nation. The association proposes to create a national memorial on the Frederick County Courthouse courtyard, overlooking the site of the John Hanson House in Frederick, MD. Funds also will be raised to establish a public education program regarding President Hanson's contributions to our democracy. Funding also will be used to support the John Hanson Institute, which would restore and preserve President Hanson's first home, Mulberry Grove, on the banks of Port Tobacco River in Charles County, MD.

I ask my colleagues to join me in saluting the efforts of the association to recognize our first elected President, John Hanson of Maryland.

RECOGNIZING EUHOFA

Mr. REED. Mr. President, today I recognize and congratulate EUHOFA, an international association of hotel and hospitality schools, on the occasion of its 49th Congress, which was held in Providence, RI, from November 7 through November 12, 2010.

EUHOFA International was founded in Europe in 1955 with the mission of enhancing the quality of the training for the tourism industry throughout the world. Its members represent the world's top hotel and hospitality colleges and universities in 45 countries. Representatives from 19 of these countries attended this year's congress in Providence.

The 2010 EUHOFA Congress marks only the second time this event has taken place in the United States. This year, as in 1994, the EUHOFA Congress was hosted by Johnson & Wales University in Providence, which is home to one of our Nation's premier hospitality schools.

The tourism industry is a vital part of my State and our Nation's economy. Many people associate tourism solely with vacations. But at its heart, tourism provides an important bridge between countries and cultures, and at a time of great change, this kind of understanding is essential for our national security and economic recovery.

I am very proud that Rhode Island and Johnson & Wales University are hosting this great event. On behalf of the U.S. Senate, it is my pleasure to congratulate the 49th EUHOFA International World Congress.

TRIBUTE TO MARGOT ALLEN

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to Margot Allen, an exceptional employee, a dedicated patriot, an extraordinary woman, and a treasured friend, in celebration of her 70th birthday. Margot has been an invaluable part of my congressional team since our first campaign in 1994.

Raised in Alabama, Margot has the charm and grace of a true southern belle. Add to that her demand for precision and professionalism and her quick wit, and it explains why she has been known to elicit a, ''Why, thank you!'' from an obtuse obstructionist who has quite politely been told to ''take a long walk off a short pier'' in that captivating southern drawl.

Margot's work on behalf of veterans and seniors in Nevada has earned her a stellar reputation as the authority among her peers and a miracle worker among those constituents who have benefited from her tenacious advocacy. She has gained the respect and admiration of those both in and out of government agencies with whom she collaborates. As a Regional Representative in my Las Vegas office, Margot has been a champion for Nevada's servicemen and women, working tirelessly to resolve problems arising from bureaucracy or errors—often times being able to bring relief and hope to battle weary constituents. Her association with active duty and retirees from all branches of service coupled with her deep appreciation for the ''Tradition of Honor and Legacy of Valor'' has earned her profound admiration from privates and generals alike. At Nellis Air Force Base in Las Vegas, NV, the Commanding Officer of the 99th Airbase Wing is often referred to as the ''Mayor of Nellis.'' However, anybody who has been stationed at Nellis will definitely concede that it is Margot who is the mayor. She knows everybody and everybody knows her.

Her passion for accuracy in grammar and written composition took her to the University of Alabama where she worked as a professor. Margot also taught English language skills to Panamanians while she and her beloved husband Leonard were living in Panama where he worked for the Department of Defense. Her love of the English language and her commitment to scholarship has not only served her well over the years but also become an unequaled resource for my staff and me. Margot provides the final inspection for every document that is sent from any of my offices. She calmly, methodically, and repeatedly teaches the placement of commas, patiently explains when healthcare is one word or two, and has been known to ask staff on more than one occasion, ''Honey, why don't you just tell me what you meant to say.''

I am very privileged as a United States Senator to work with a team of highly skilled, capable, and dedicated staff members who are committed to

this great country and the people of Nevada, and any measure of excellence that we achieve will bear the distinct handprint of Margot Allen.

It is truly my pleasure and my honor to recognize the outstanding contribution Margot Allen has made to my organization and to the people of Nevada in the years she has been part of my congressional team and to wish her a very blessed and happy birthday.

NOMINATION OF JANET YELLEN

Mr. BUNNING. Mr. President, I want to briefly explain for the record my votes on the nomination of Janet Yellen to be a member of the Board of Governors of the Federal Reserve System and to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

Dr. Yellen is qualified to sit on the Board of Governors. She has already been a member of the Board, and is currently the president of a regional Fed—the Federal Reserve Bank of San Francisco. She has more monetary policy experience than most recent nominees and certainly understands what the job requires.

However, I have serious concerns about her views on monetary policy and her actions during the credit and housing bubble. In reviewing Federal Open Market Committee, FOMC, meeting minutes and transcripts, it is clear to me that Dr. Yellen will support easy money policies and I am afraid she will not take inflation seriously. I do not believe she will stand up to Chairman Bernanke or break the groupthink that exists at the Fed. The FOMC transcripts and minutes I reviewed only strengthen my concerns. I am also concerned that as president of the San Francisco Fed she did not spot or take action to address the housing and credit bubble while overseeing one of the most affected regions of the country. These reasons are why I oppose Dr. Yellen's nomination to be Vice-Chairman and will vote against her for that position when the vote is called.

The RECORD will thus reflect my vote against Dr. Yellen to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

NATIONAL PREMATURITY AWARENESS DAY

Mr. ALEXANDER. Mr. President, I would like to speak about the issue of babies born prematurely, an area Senator DODD and I have been working on together for many years. November is Prematurity Awareness Month and today, November 17, is Prematurity Awareness Day. This year, in the U.S., approximately 28,000 babies will die before their first birthday. In Tennessee, 236 babies are born preterm per week on average, and, in 2007, 12,256 babies or 14.2 percent of all live births were premature.

According to the CDC, babies who died from preterm birth-related causes accounted for more than 36 percent of infant deaths in 2006. In addition to being the leading cause of newborn death, prematurity can cause those who do survive a lifetime of health challenges and intellectual disabilities. Even infants born just a few weeks early have higher rates of hospitalization and illness than full-term infants. The last few weeks of pregnancy are critical to a baby's health because many important organs, including the brain and lungs, are not completely developed until then.

We are making incredible advances in how we treat these children, but we need to do a lot more. This is a critically important issue. It is the kind of issue that deserves more attention. I am pleased to be joined by Senator DODD in introducing the PREEMIE Act, which reauthorizes and builds upon our legislation from 2006. It is supported by the March of Dimes, American Academy of Pediatrics, American Congress of Obstetricians and Gynecologists and Association of Women's Health, Obstetric and Neonatal Nurses, to name a few. I urge my colleagues to cosponsor this legislation.

Mr. DODD. I thank my colleague. I am pleased to join my good friend, the senior Senator from Tennessee, in this effort. Five years ago, we stood on this floor discussing the risks, costs, and toll of premature birth. Following three decades of increases, in 2008, the Nation achieved the first 2-year decline in the preterm birth rate to 12.3 percent. This rate is still too far from the Healthy People 2010 goal of 7.6 percent and our Nation earns only a ''D'' on the March of Dimes annual prematurity report card. According to the National Center for Health Statistics, in an average week in Connecticut, 84 babies are born preterm. More than half a million babies still are born preterm each year, a serious health problem that costs the United States more than $26 billion annually, according to the Institute of Medicine. I believe that the recent 2-year nationwide decline, albeit small, is encouraging and this should be the beginning of a positive trend. The recent developments must be supported by access to better health care, new research and new programs to lower the risk of preterm birth.

This is why the Senator from Tennessee and I have introduced the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act. This important bill expands research into the causes and prevention of prematurity and increases education and support services related to prematurity. The March of Dimes has been an important partner through its leadership of a national prematurity campaign, but they cannot combat this serious and costly public health crisis alone. The Federal Government must partner with them to increase research on the causes of preterm birth. I hope more of my colleagues will join us in supporting this important bill.

ADDITIONAL STATEMENTS

TRIBUTE TO VICTOR PEREZ

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in thanking Fresno resident Victor Perez for his valiant actions that resulted in the rescue of an eight-year-old kidnapping victim and the arrest of her alleged kidnapper.

I know I am joined by the victim's family and friends, the Fresno Police Department, the entire Fresno community and so many others across the country in offering my deepest appreciation to Mr. Perez for his bravery, his quick thinking and his willingness to put himself in harm's way to protect a child.

Mr. Perez, like many others in Fresno and around California, was deeply concerned when he learned the news about the abduction of an 8-year-old girl from the front yard of a home in central Fresno on October 4.

The next morning, when Mr. Perez noticed a truck outside of his home that matched the description of a vehicle of interest reported in the news, he decided that time was of the essence and he had to take action.

Without hesitation, Mr. Perez jumped into his truck and pursued the suspicious vehicle. At one point during the pursuit, he noticed a young girl in the passenger seat, which strengthened his resolve to track down the vehicle. After seeing her, he said he had only one thought in his mind, ''I've got to get that little girl out of there.''

He bravely pursued the suspect with selfless disregard for his personal safety until he successfully cut off the vehicle, forcing the suspect to stop.

Sensing that he was cornered by Mr. Perez, the suspect pushed the young victim out of the car and sped off. Mr. Perez immediately tended to the young victim and called 911 so that law enforcement officials could continue to pursue the kidnapper. When the young girl told Mr. Perez that she was scared, he assured her that she was out of harm's way.

As a result of Mr. Perez's heroic actions and the speedy response by hundreds of law enforcement officers from multiple jurisdictions, the suspected kidnapper was apprehended. Most importantly, the young girl has been reunited with her mother and her family.

I am thankful for Mr. Perez's altruism and courage. His selfless actions that led to the rescue of this little girl represent the best ideals of being a good neighbor, a Good Samaritan and a responsible member of a community.

We shall always be grateful for his heroic deeds on the morning of October 5, 2010.●

REMEMBERING LOUIS HENKIN

● Mr. CARDIN. Mr. President, today I wish to commemorate the life of Louis Henkin.

As chairman of the Commission on Security and Cooperation in Europe, I

wish to honor the memory of Professor Louis Henkin, known to many as the father of human rights law, who passed away last month. He was born Eliezer Henkin on November 11, 1917, in modern-day Belarus. He was the son of Rabbi Yosef Eliyahu Henkin, an authority in Jewish law. Louis, as he later became known, came to the United States at the age of five in 1923. By 1940, Louis had obtained his law degree from Harvard University after receiving his undergraduate degree from Yeshiva University.

Much can be said about Mr. Henkin's contributions to our Nation. As a civil servant, Mr. Henkin worked as law clerk for two of the sharpest American legal minds, Judge Learned Hand of the U.S. Court of Appeals and, later, for Supreme Court Justice Felix Frankfurter. Louis also served in World War II. He earned a Silver Star, the third highest military decoration that can be awarded, for his role in negotiating the surrender of 78 German soldiers to his 13-man artillery observation unit.

These accomplishments notwithstanding, it has been Mr. Henkin's unquestionable devotion to the cause of human rights which prompts me to speak in his memory. It would not be an overstatement to say that Mr. Henkin is a pillar in the field of human rights. From 1948 to 1956 Mr. Henkin worked for the State Department's United Nations Bureau and its Office of European Regional Affairs. He is considered one of the architects of the 1951 United Nations Refugee Convention, where the defining terms of what it means to be a refugee and the international community's responsibility in providing asylum to these individuals were set forth. At Columbia University, Professor Henkin helped establish the Center for the Study of Human Rights in 1978 and created the Human Rights Institute 20 years later. Mr. Henkin was also a founder of the Lawyers' Committee for Human Rights, which we know now as Human Rights First. As a mentor, his influence has been felt by generations of legal scholars, including Supreme Court Justices Ruth Bader Ginsburg, Anthony Kennedy, Stephen Breyer, and Sonia Sotomayor. Our colleague on the Helsinki Commission, Assistant Secretary of State Michael Posner, is a protégé of Professor Henkin.

Mr. Henkin was a prolific legal scholar. He published more than a dozen books on the Constitution, international law, and human rights. His scholarship has helped inform and shape the United States ratification of the Chemical Weapons Convention.

The international human rights community mourns the loss of Louis Henkin, and we at the Commission on Security and Cooperation in Europe join that mourning. Our deepest and most sincere condolences and prayers go out to his family and friends. He shall be missed.●

RECOGNIZING HOWARD COMMUNITY COLLEGE

● Mr. CARDIN. Mr. President, today I recognize the 40th anniversary of Howard Community College in Howard County, MD. In 1970, Howard Community College began with 1 building and 600 students in the planned community of Columbia. Since then, Howard Community College has grown into a sprawling campus and cultural magnet that draws nearly one out of every four Howard County high school graduates to its classrooms.

In fiscal year 2010, Howard Community College enrolled more than 12,851 credit students and 16,780 noncredit continuing education students. Nearly 30 percent of its faculty has doctorates and the community is able to choose from more than 7,056 classes each year.

The Howard Community College administration works closely with the business community and county government to ensure that the college's courses are preparing students for careers and/or educational advancement in areas that will result in employment and respond to business needs. For example, in response to the national nursing shortage, Howard Community College has developed a nursing program with a reputation for excellence—90 percent of last year's nursing students passed the licensing exam on the first try.

The Horowitz Visual and Performing Arts Center, which opened in 2006, has added a community cultural dimension to the college by offering three performance venues, two dance studios, and instructional space for art and music classes. The Children's Learning Center serves as a child care center as well as a lab school for students in the Early Childhood Development Program, an important resource for working parents.

Howard Community College can be proud of its rapid growth and its outstanding reputation. The college offers an important resource to the community and works hard to deliver on its pledge: ''You Can Get There From Here.''

I hope my colleagues will join me in congratulating Howard Community College on its success and join me in wishing President Kathleen B. Hetherington, the Board of Trustees, and the Howard County community continued success in educating students.●

TRIBUTE TO RAYMOND M. KIGHT

● Mr. CARDIN. Mr. President, today I recognize the outstanding career and service of Raymond M. Kight, who is the longest-serving elected sheriff of Montgomery County. Ray Kight was an Army veteran when he joined the Montgomery County Police Department in 1963. He was sworn in as deputy sheriff in 1967 and was elected sheriff in 1986.

During his tenure, Sheriff Kight transitioned the office into a modern, professional law enforcement agency. In addition to the traditional role in the service of legal process, protecting the courts, transporting prisoners and apprehending fugitives, the Sheriff's Office now provides responsive services to the community, including a family law unit that provides immediate law enforcement and social service intervention in domestic violence situations. Sheriff Kight was part of the strategic planning responsible for designing and implementing the interagency Montgomery County Family Justice Center, which opened in May, 2009, and has since served over 2,000 domestic violence victims.

Under Sheriff Kight's administration, the Montgomery County Sheriff's Office became the first Sheriff's Office in Maryland to be nationally accredited by the Commission on Accreditation for Law Enforcement Agencies, CALEA. Sheriff Kight has also brought professionalism and recognition to the office by requiring uniforms for all deputies, marked Sheriff's office vehicles, and standardized training. He established the Sheriff's Office SWAT team, K–9 explosive detection teams, and hostage negotiators. These units are deployed throughout Montgomery County in cooperation with the Montgomery County Police Department. The sheriff's deputies maintain partnerships and serve in major regional Federal, State, and county law enforcement task forces, including the U.S. Marshal Service's Capitol Area Regional Fugitive Task Force, CARFTF, as well as the Firearms and Gang Task Forces.

I ask my colleagues to join me in saluting Sheriff Raymond Kight for his 50 years of public service. I ask you to join me in thanking him for his dedication to the safety of the residents of Montgomery County, MD, and in sending him best wishes for a well-deserved retirement.●

REMEMBERING CLINT STENNETT

● Mr. CRAPO. Mr. President, today I honor the life of Clint Stennett. I join Clint's wife Michelle, his family and friends in mourning his loss and honoring his distinguished life. There is deep sadness associated with the passing of Clint Stennett, who was a good friend and dedicated associate.

Clint Stennett had numerous accomplishments in his life that was cut off far too short. Clint knew the meaning of hard work, and he made great use of his sense for business. Clint grew up in Idaho and graduated from Idaho State University, where he served as student body president. He worked for the Idaho Statesman selling advertising. He later went to work as a publisher for the Wood River Journal, and he served as president of a company that owned various Idaho television stations. He also had multiple Idaho ranches. Clint served in the Idaho State House of Representatives for 4 years before he began serving in the

State senate in 1994, where he represented Blaine, Camas, Gooding, and Lincoln Counties. For a decade, he also served as former Democratic minority leader for the Idaho State Senate.

Clint always kept his mind and heart open as he worked hard for Idahoans. Clint was a principled, considerate and devoted leader. With an unequalled dedication, he had a love for natural resources, agricultural efforts and the beauty of the State. Clint was a successful, hard-working and fair businessman. He loved his family very much, and he will be remembered as a loving husband and brother.

My condolences and heart-felt prayers go out to his wife Michelle, his extended family, friends and loved ones. Clint Stennett will be greatly missed, and his immense contribution to the State of Idaho will not be forgotten.●

REMEMBERING JOHN W. KLUGE

● Mr. DODD. Mr. President, today I wish to pay tribute to John Kluge, a very close friend of mine who passed away on September 7, 2010, at the age of 95. I would also like to take this opportunity to express my heartfelt condolences to his wife Maria; his children John and Samantha; and his stepchildren Joseph, Diane, Jeannette, and Peter. For all of us who had the privilege of getting to know him, this is a tremendous loss.

It is no exaggeration to say that John led a truly remarkable life. Having made a substantial fortune from a communications empire that included everything from television and radio stations to mobile phones and the Harlem Globetrotters, John regularly graced Forbes magazine's annual list of the 400 wealthiest Americans.

But John was not born with the proverbial ''silver spoon'' in his mouth. He didn't inherit his wealth. John Kluge built his company, Metromedia, on his own, through nothing more than hard work, spot-on business instincts and, as John himself often freely admitted, a little bit of good luck.

Indeed, John's life reads like a pitch-perfect version of a classic American success story—a potent reminder of what individuals can accomplish with dedication, tenacity, and a healthy dose of self-confidence and optimism.

Born in Chemnitz, Germany, in 1914, John moved with his family to Detroit in 1922 and took his first job as a payroll clerk for his stepfather's business when he was just 10. From a very early age, John was driven to make the most of the educational opportunities available to him. During his teenage years, when his stepfather asked him to drop out of school so he could work full time at the family business, John instead opted to leave home and live with his typing teacher so he could continue his education.

That decision ultimately paid off. During his high school years, John worked extremely hard to get good grades and eventually won a scholarship to college, later graduating from Columbia University with a degree in economics.

In the 1950s, following a brief stint working for a Michigan paper company and several years of service in the U.S. Army during World War II, John started purchasing radio stations throughout the country. By the time he founded Metromedia, the country's first major independent broadcasting company, in 1961, he had already made a small fortune from his radio stations and a regional food distribution business he founded in Baltimore. When he sold Metromedia two decades later, John increased his net worth even more substantially, making nearly $4.7 billion in the process.

Clearly, it would have been incredibly easy for John to have simply taken his money ''. . . and joined the country club and gotten into this pattern of complaining about the world and about the tax law,'' as he once put it in an interview for the New York Times. But John Kluge never had any desire to spend the rest of his life sitting around and frittering away his wealth. He placed a tremendous amount of value on a hard, honest day's work. And it was the sense of fulfillment he derived from his own work that ultimately served as the driving force behind his numerous accomplishments.

Indeed, John Kluge was the consummate workhorse. More inclined to avoid the trappings of fame and recognition than many contemporary corporate executives, John never retained a public relations staff. He was content to work behind the scenes, building his telecommunications empire and cementing his position as one of America's most gifted business strategists with little fanfare.

But John was much more than a talented entrepreneur who rose from humble beginnings to strike it rich. In large part, I believe, because he was not born into a life of privilege, John was absolutely committed to putting his largesse to work for others. He was a prolific philanthropist, and among the many worthy causes and organizations that benefitted from his generosity over the years, the presence of John's contributions can probably be most clearly felt at his alma mater, Columbia.

Throughout his life, John donated substantial sums of money to Columbia, primarily to fund scholarships for underprivileged and minority students. But in 2007, John surprised everyone when he pledged that, upon his death, the university would receive a gift of $400 million from his estate. To provide a sense of scale here, that single gift is the largest Columbia has ever received, and by far the largest ever given to an institution of higher learning specifically to help students afford tuition.

And that is exactly the way I think John would have wanted to be remembered as an individual who used his good fortune to make sure others would be able to benefit from the same opportunities he had growing up. As someone who worked to ensure that bright, hard working students from low-income families who were accepted to one of the country's most prestigious universities would be able to make the most of their college educations. As someone who gave back to the people and institutions that helped make his meteoric rise in the corporate world possible.

For my part, I will certainly remember John Kluge for his uncanny business acumen and singular dedication to philanthropy. But at the end of the day, I will also recall John as a wonderful, dear friend who was always a pleasure to be around.

You see, in spite of everything, John never let his wealth or position in life get to his head. During the time that I knew him, John was always an extremely kind, good-natured, and genuinely fun person. He was always accessible and easy to talk to, and I will miss his company immensely.

And so it is with a heavy heart that I rise today to say goodbye to such a special individual. Once again, I would like to extend my sincere condolences to his loving family and to all those individuals who, like me, were so lucky to have John in their lives.●

TRIBUTE TO COLONEL RICHARD ROOT

● Mr. DODD. Mr. President, today I recognize the accomplishments of Colonel Richard Root, of the U.S. Army, who was recently promoted from the rank of lieutenant colonel. Until his recent transfer to the highly competitive Senior Service College, Colonel Root worked for more than 3 years in the Army's Legislative Affairs Office as a Senate liaison officer. I had the pleasure of working with Colonel Root frequently during that time, and was therefore proud to be able to join my colleague and good friend Senator CORKER in hosting his promotion ceremony in the Capitol. I would like to extend my sincere congratulations to Colonel Root and his family for this well-deserved recognition.

For more than 21 years, including 3 in combat, Colonel Root has been faithfully serving our Nation as a member of the Armed Forces. Beginning in 1989, when he was commissioned as a field artillery lieutenant, Colonel Root's assignments have taken him around the country and the world, including several deployments during Operation Desert Storm in 1991 and, more recently, during Operation Iraqi Freedom. Throughout his more than two decades in the Army, Colonel Root has been recognized on a number of occasions for his superior service and valor, receiving, among other decorations, the Bronze Star, Purple Heart, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Air Assault Badge, Army Staff Badge, and Combat Action Badge.

Most recently, in his role as a liaison officer to the U.S. Senate, Colonel Root once again distinguished himself, developing outstanding relationships with Senators and staff members alike. During his 3 years of service in the Office of Legislative Affairs, Colonel Root escorted 40 congressional and staff delegations, accompanying Members to more than 50 countries, including active combat theaters.

I myself travelled with Colonel Root on a number of occasions during his time in the Senate, and was always extremely impressed by his close attention to detail, flexibility, and unflinching dedication to his work. I know many of my colleagues felt the same way, and it is therefore no surprise that Colonel Root was often requested by name to help assist in the planning and coordination of congressional fact-finding and oversight delegations.

And so, once again, it is a great honor to be able to congratulate Colonel Root today on this seminal achievement. His unwavering commitment to serving his country as a professional soldier in the Army is truly laudable, and I would like to extend my sincere thanks to him for his years of service. Colonel Root, and all of the men and women of our Armed Forces, are an indispensable asset to this country, and I hope my colleagues will join me today in honoring this top-notch soldier and dear friend, and wonderful human being.●

15TH ANNIVERSARY OF THE JONES CENTER

● Mrs. LINCOLN. Mr. President, today I commemorate the 15th anniversary of the opening of the Jones Center For Families in my home State of Arkansas. The Jones Center, located in Springdale, is a 220,000 square foot facility that provides educational, recreational, health, and community programs and various services to individuals and families across northwest Arkansas.

The center will celebrate its 15th birthday with a public festival on Sunday, October 24, featuring a proclamation by Springdale mayor Doug Sprouse and family activities including children's crafts and games, pumpkin painting, live music, birthday cake, and ice cream. The event will be open to the community free of charge, including access to all swimming pools and the ice skating rink.

The Jones Center opened in 1995 as a gift to the community from the late Mrs. Bernice Young Jones, wife of Harvey Jones, founder of the Jones Truck Lines. According to its mission statement, the center is proud to provide a place where ''all are welcome'' in the heart of northwest Arkansas. In keeping with Mrs. Jones' wish that no one be turned away, the center offers facilities and services at minimal or no cost to everyone regardless of age, race, gender, religion, or economic status.

Under the leadership of Rick McCullough, executive director, the Jones Center welcomes more than 1 million visitors per year, with an operating budget of $2.4 million. Programs and amenities at the center include an ice rink, junior Olympic competition swimming pool, fun pool with slide, fitness room, a chapel/auditorium, a computer center, and numerous other meeting rooms, playgrounds, and athletic courts.

I have visited the Jones Center often, and I commend the staff and volunteers for their efforts to better their community and provide recreational and social opportunities in a safe, modern facility. I salute the entire Springdale community as they celebrate the 15th anniversary of this unique gathering place in the heart of northwest Arkansas.●

RECOGNIZING THE WEST FAMILY

● Mrs. LINCOLN. Mr. President, today I recognize the West Family of Prairie Grove as they celebrate 150 years in Arkansas farming. I commend them for achieving this significant milestone. As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. I am proud to share the story of the West Family Farm with you today.

One hundred and fifty years ago, Robert J. West homesteaded land two miles north of Prairie Grove, AR, in a community called Viney Grove after moving to Arkansas from Tennessee in 1860.

On December 7, 1862, the family watched from the hilltop of their farm as the Battle of Prairie Grove played out in the valley less than a mile away. Union soldiers used their home as a make-shift hospital following the bloody battle. Historical records indicate that the West Farm was even considered as a location for the University of Arkansas before it was founded in Fayetteville in 1871.

Generation after generation, the West family has dedicated itself to becoming a successful Arkansas farming operation. Current owner and operator Randy West has lived and worked on the farm his whole life, just as his father, grandfather and great grandfather did before him. He has committed his life to improving the farm's profitability, sustainability and efficiency while raising a family with the lessons and values of rural living.

Randy and his wife Cheryl work together on the farm as they operate a Bermuda grass hay business that produces between 50,000 and 70,000 square bales annually on the farm's 455 total acres. They also run a poultry operation consisting of three broiler houses.

In 1991, the farm was recognized as the Washington County Farm Family of the Year and the Northwest District Farm Family of the Year. In 2003, the farm was recognized by Tyson Foods as one of five national Environmental Stewardship Award winners for its commitment to best management practices. Tyson Foods continually uses the farm as a model for environmental stewardship.

A lot has changed in Prairie Grove and in northwest Arkansas over the past 150 years, but the West Family Farm remains a constant. From the time Robert J. West founded the farm on the dawn of the Civil War, through the great depression in the 1930s, to the modern age of agriculture in the 2000s, the West Farm has withstood the test of time and has remained committed to preserving the farming way of life.

Arkansas's farm families are critical to our nation's economic stability. We must work to continue the farm family tradition, so families such as the West Family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability. I salute the West Family and all Arkansas farm families for their hard work and dedication. ●

EUREKA SPRINGS, ARKANSAS

● Mrs. LINCOLN. Mr. President, today I recognize the city of Eureka Springs in my home State of Arkansas as local residents celebrate two major awards for their community.

The American Planning Association recently designated Spring Street in Eureka Springs as one of the 10 Great Streets for 2010 under the organization's Great Places in America program. According to the association, Spring Street exemplifies ''exceptional character in a community of lasting value.'' The street was singled out for its originality and unique characteristics.

Eureka Springs was also recognized nationally as a 2010 Top 25 Arts Destination by American Style Magazine. This is the sixth year the community has received this honor, which recognizes public support for artists, arts institutions, galleries and festivals, and the contribution of the arts to the local community.

I salute the residents of Eureka Springs for their efforts to maintain the heritage, culture, and history of their community. I have been proud to visit Eureka Springs and Spring Street, and I join all my fellow Arkansans to express our pride in this jewel of our State.●

RECOGNIZING McGEHEE CHAMBER HONOREES

● Mrs. LINCOLN. Mr. President, today I recognize McGehee residents and their families who were recently honored by the McGehee Chamber of Commerce for their outstanding efforts for their community. Honorees are:

Man of the Year: Mr. Jim Daniels.

Woman of the Year: Ms. Cindy Smith.

Volunteer of the Year: JW Lehman Community Service Award, Ms. Helen Linn Conway.

Business of the Year: Delta Pest Control, Bill and Doris Lawrence.

Educator of the Year: Ms. Yogi Denton, McGehee High School.

Desha County Farm Family: Norris and Jamie Sims.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to the entire McGehee community.●

ST. JOHN AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a historic church in Omaha, NE, which celebrated its 145th anniversary on November 13, 2010. St. John African Methodist Episcopal—A.M.E.—Church was founded in 1865 and continues to host a thriving congregation in north Omaha's minority community.

The current church structure is listed on the National Register of Historic Places, having been designed by Clarence W. Wigington, who grew up in Omaha, becoming Nebraska's first African-American architect. He later went on to become the first municipal African-American architect in the United States.

St. John A.M.E. Church was organized at the end of the Civil War, 2 years before Nebraska became a State. This institution endured challenging times of racial bigotry and hatred, which were unfortunately widespread across America at the time. Maintaining the church's presence required the strength, courage, and faith of early African-American leaders.

Today, St. John A.M.E. Church remains a focal point in Omaha, NE; as the congregation continues a 145-year tradition of ministering to the spiritual, intellectual, physical, emotional and environmental needs of the north Omaha community.●

TRIBUTE TO BETTY RIVES ALLEN CALLAWAY

● Mr. SHELBY. Mr. President, today I wish to pay tribute to my good friend, Betty Rives Allen Callaway, whom I have known for many years.

Betty was born January 17, 1928, in Selma, AL, to Carolyn Young and Vickers Rives Allen. Raised in Old Town, Betty attended Byrd Elementary School, Selma Junior High School, and later, Albert G. Parrish High School. As a young woman in Selma, Betty quickly became a fixture in the community by donating her time and energy to various civic causes.

In 1943, while Betty was a student at Selma Junior High School, the United States was in the midst of World War II. In towns across America, civilians were mobilizing scrap drives to collect metal for war material. Betty, taking an active role in Selma's drive, secured the gift of the old Cahaba Bridge from Dallas County, a locomotive and track from the local railroad, and old buses from Clarence Agee Bus Company.

Her success in the scrap metal drive earned her the privilege of being selected to travel to Mobile to christen the *William C. Gorgas*, a Liberty Ship named by the students at Selma Junior High School. The trip was memorable for Betty, as she once recalled christening the ship, ''[E]xcept it took me more than once to smash the bottle of champagne.''

Following her graduation from Albert G. Parrish High School, Betty embarked on her professional career. Her penchant for business and sense of style quickly earned her a position in Louise Martindale's dress shop. As a self-described ''conscientious mother and housewife,'' Betty proved to be more than capable of balancing her home and her work. While raising her three sons, Johnny, Vick, and Jimmy, Betty also worked as a receptionist in several local offices and businesses, and later served as the social editor at the Selma Times-Journal.

In 1970, Betty began her career as an aide to some of Alabama's political figures, including U.S. Representatives Bill Nichols, Walter Flowers, and Earl Hilliard. Betty also served with distinction for 8 years in my office during my time in the U.S. House of Representatives. As a member of my staff, Betty helped countless Alabamians navigate Federal bureaucracy, many times going above and beyond her call of duty.

Betty's service to her community extended far beyond her duties as a legislative aide. As an expert on Selma history, Betty was instrumental in the effort to restore Cahawba, Alabama's first capital. She also worked to revitalize Selma's Water Avenue, one of the Nation's most historic riverfront streets. A true civic leader, Betty served on the Alabama Sheriffs' Boys Ranch Advisory Committee and as a member of the board of directors of the Selma-Dallas County United Way. She was also the first woman named to the Selma-Dallas County Chamber of Commerce's board of directors.

In 1997, Betty moved from Selma to Point Clear. However, in May, her lifelong friends from Selma were glad to see her return home to live. Today, Betty enjoys spending time with her son, Johnny, and daughter-in-law, Teresa, as well as with her six grandchildren, Caroline, Allen, Ben, Michael, Rachel Holt, and Clare.

I wish Betty much luck on the next phase of her life, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Betty Callaway.●

REMEMBERING ELISEO ''CHEO'' LOPEZ

● Mr. UDALL of New Mexico. Mr. President, for many of those who experienced it, the Bataan Death March marked the end of lives that made up in courage what they lacked in length. For Eliseo ''Cheo'' Lopez a native of Springer, NM, this atrocity was only the beginning of a life lived to the fullest. That life ended on November 11 after 92 years. Fittingly, November 11 is Veterans Day, a day where our Nation pauses to honor and remember the veterans who sacrificed so much to keep our country safe.

The brave Americans who fought at Bataan were heroes in a story that was central to the broader story of Allied victory in World War II. It is a story too few Americans know. The soldiers who fought at Bataan helped slow the Japanese advance at the beginning of the war in Asia, which would eventually give Allied troops the time to reorganize and reverse Japan's progress. Thanks to the heroism of these troops, America was able to recover from Pearl Harbor and take the fight to the Axis powers in Asia and the Pacific Islands, leading to V-J day in 1945.

When the troops in Bataan were finally forced to surrender, they faced inhumane conditions and atrocities at the hands of their captors. By the time they were rescued, toward the end of the war, half of New Mexico's 1,800 soldiers had died. Another 300 would die within a year of returning to the U.S. as a result of complications related to their captivity. Mr. Lopez was forced to work in copper mines as a slave laborer and spent time in several Japanese prison camps until he was rescued in September 1945 nearly 3½ years after he was captured. He was part of a brotherhood of troops belonging to the 515th Coast Artillery Unit, of whom only 69 are known to still be living. The 515th, and all who fought in Bataan, played a crucial role in our country's history, showing valor that I believe is deserving of a Congressional Gold Medal.

When he returned to New Mexico, Mr. Lopez went to work for a bank in his hometown of Springer. He later left the bank for a job with a manufacturing company in California, where he worked for more than 30 years. In 2003, Mr. Lopez was recognized as Alabama Ex-POW Veteran of the Year by the National Veterans Day Organization of Birmingham, AL.

Mr. Lopez leaves behind his wife Katherine Young, who was raised in Las Vegas, NM, along with two daughters, two grandchildren, a brother, and two sisters. He will be buried with full military honors this week at Santa Fe National Cemetery.

Today, the town of Springer and all of New Mexico mourn a dear friend and America marks the passing of a true hero. I wish to honor Mr. Lopez's memory. It will live on in the hearts of all who knew him.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6397. An act to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96–517 (commonly referred to as the ''Bayh-Dole Act'') on the occasion of the 30th anniversary of its enactment.

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259), and the other of the House of January 6, 2009, the Speaker appointed the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. Maurice Sonnenberg of New York, NY.

At 12:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the service, and for other purposes.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''.

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffry L. Wiener Post Office Building''.

S. J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

At 6:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House having proceeded to reconsider the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96–517 (commonly referred to as the ''Bayh-Dole Act'') on the occasion of the 30th anniversary of its enactment; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7765. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Removal of Varietal Restrictions on Apples from Japan'' (Docket No. APHIS–2009–0020) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7766. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Biomass Crop Assistance Program'' (RIN0560–AH92) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7767. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to (21) vacancies in the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7768. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Mexican Hass Avocados; Additional Shipping Options'' (Docket No. APHIS–2008–0016) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7769. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–096, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–7770. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–104, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–7771. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Continuation of Current Contracts—Deletion of Redundant Text'' (DFARS Case 2010–D016) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Armed Services.

EC–7772. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken; to the Committee on Armed Services.

EC–7773. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stephen R. Lorenz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–7774. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Roger A. Brady, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–7775. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7776. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7777. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–7778. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Department's projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding five full fiscal years; to the Committee on Armed Services.

EC–7779. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the full lifecycle costs of munitions; to the Committee on Armed Services.

EC–7780. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to transfer authorities used in fiscal year 2010; to the Committee on Armed Services.

EC–7781. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to Reserve component equipment delivery; to the Committee on Armed Services.

EC–7782. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Continuation of Essential Contractor Services'' ((RIN0750–AG52) (DFARS Case 2009–D017)) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2010; to the Committee on Armed Services.

EC–7783. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Electronic Subcontracting Reporting System'' (DFARS Case 2009–D002) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Armed Services.

EC–7784. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency relative to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–7785. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 of October 27, 2006 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–7786. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC–7787. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Spain; to the Committee on Banking, Housing, and Urban Affairs.

EC–7788. A communication from the Deputy General Counsel, Office of the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''The Low-Income Definition'' (RIN3133–AD75) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7789. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Truth in Savings'' (RIN3133–AD72) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7790. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Short-Term, Small Amount Loans'' (RIN3133–AD71) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7791. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Secondary Capital Accounts'' (RIN3133–AD67) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7792. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Fixed Assets, Member Business Loans, and Regulatory Flexibility Program'' (RIN3133–AD68) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7793. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Prompt Corrective Action; Amended Definition of Low-Risk Assets'' (RIN3133–AD81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7794. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Corporate Credit Unions'' (RIN3133–AD58) received in the Office of the President of the Senate on

November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7795. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''North Korea Sanctions Regulations'' (31 CFR Part 510) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7796. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Equal Access to Justice Act Implementation'' (RIN2590–AA29) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7797. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1557–AD24) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7798. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Internal Agency Docket No. FEMA–8153)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7799. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7800. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Additions to the List of Validated End-Users in the People's Republic of China: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation'' (RIN0694–AE95) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7801. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts'' (RIN1550–AC40) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7802. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Indexed Annuity Rule'' (RIN3235–AK16) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7803. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule for Reporting Pre-enactment Security Based Swap Transactions'' (RIN3235–AK73) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7804. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Use of Public Housing Capital Funds for Financing Activities'' (RIN2577–AC49) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7805. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces and Boilers (Standby Mode and Off Mode)'' (RIN1904–AB89) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Energy and Natural Resources.

EC–7806. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Interior Board of Land Appeals and Other Appeals Procedures'' (RIN1094–AA53) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC–7807. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Credit Reforms in Organized Wholesale Electric Markets'' (RIN1902–AD89) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Energy and Natural Resources.

EC–7808. A communication from the Deputy Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Promotion of Development, Reduction of Royalty Rates for Stripper Well and Heavy Oil Properties'' (RIN1004–AE04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC–7809. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories'' (FRL No. 9212–8) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7810. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution'' (FRL No. 9221–4) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Addresses for Submission of Certain Reports; Technical Correction'' (FRL No. 9221–7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Clark County Department of Air Quality and Environmental Management'' (FRL No. 9219–5) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona'' (FRL No. 9219–7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category'' (FRL No. 9222–2) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7815. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Instrumentation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway Engines'' (FRL No. 9220–6) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC–7816. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards'' (FRL No. 9209–1) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC–7817. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter Standards'' (FRL No. 9215–2) received during adjournment of the Senate in the Office of the President of the Senate on

October 21, 2010; to the Committee on Environment and Public Works.

EC–7818. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard for the Providence, Rhode Island Area'' (FRL No. 9215–9) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC–7819. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Illinois; Voluntary Nitrogen Oxides Controls'' (FRL No. 9215–8) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC–7820. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Mexico: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9217–2) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC–7821. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule'' (FRL No. 8846–8) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Environment and Public Works.

EC–7822. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled ''Guidance on the Planning and Use of Special Accounts Funds''; to the Committee on Environment and Public Works.

EC–7823. A communication from the President of the United States, transmitting, pursuant to law, notification of the designation of Irving A. Williamson as Vice Chair of the United States International Trade Commission; to the Committee on Finance.

EC–7824. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 457(b) Unforeseeable Emergency Guidance'' (Rev. Rul. 2010–27) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC–7825. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2010'' (Rev. Rul. 2010–26) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC–7826. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Limitations on Qualified Residence Interest'' (Rev. Rul. 2010–25) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7827. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Shoukri Osman Saleh Abdel-Fattah v. Commissioner, 134 T.C. No. 10'' (IRB No.: 2010–47) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7828. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dyed Diesel Fuel and Kerosene: Nontaxable Use; Alaska'' (Notice No. 2010–68) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7829. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Production Tax Credit for Refined Coal'' (Notice No. 2010–54) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7830. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Basis Reporting by Securities Brokers and Basis Determination for Stock'' (RIN1545–BI66) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7831. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Hybrid Retirement Plans'' (RIN1545–BG36) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC–7832. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability'' (Rev. Proc. 2010–29) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC–7833. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Carbon Dioxide Sequestration, 2010 Section 45Q Inflation Adjustment Factor'' (Notice 2010–75) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7834. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjusted Items for 2011'' (Rev. Proc. 2010–40) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC–7835. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Furnishing Identifying Number of Tax Return Preparer'' (RIN1545–BI28) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC–7836. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2010–70) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC–7837. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of Nicaragua'' (RIN1515–AD70) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC–7838. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances'' (RIN1205–AB53) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC–7839. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011'' (RIN093–AP81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7840. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premiums for Calendar Year 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AP85) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7841. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2011'' (RIN0938–AP86) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7842. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Home Health Prospective Payment System Rate Update for Calendar Year 2011'' (RIN0938–AP88) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC–7843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities: Second Report to Congress''; to the Committee on Finance.

EC–7844. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tribal Economic Development Bonds—Extension of Deadline to Issue Bonds'' (Announcement 2010–88) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7845. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for Fiscal Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7846. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Act Discretionary Activities: Community Economic Development and Rural Facilities Programs for Fiscal Year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7847. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Assets for Independence Program—Status at the Conclusion of the Tenth Year''; to the Committee on Health, Education, Labor, and Pensions.

EC–7848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2007 Biennial Report on the Status of Children in Head Start Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–7849. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Systems Advance Planning Document (APD) Process'' (RIN0970–AC33) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7850. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Countermeasures Injury Compensation Program (CICP): Administrative Implementation, Interim Final Rule'' (RIN0906–AA83) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7851. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans'' (RIN1210–AB07) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7852. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''School Improvement Grants Program Notice of Final Requirements'' (RIN1810–AB06) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7853. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Program Integrity Issues'' (RIN1840–AD02) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7854. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Program Integrity: Gainful Employment—New Programs'' (RIN1840–AD04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7855. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Foreign Institutions—Federal Student Aid Program'' (RIN1840–AD03) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7856. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7857. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan; to the Committee on Foreign Relations.

EC–7858. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case—Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0160—2010–0170); to the Committee on Foreign Relations.

EC–7859. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the convening of an Accountability Review Board; to the Committee on Foreign Relations.

EC–7860. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC–7861. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the fourth fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC–7862. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2010; to the Committee on Foreign Relations.

EC–7863. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under the Genetic Information Nondiscrimination Act'' (RIN3046–AA84) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7864. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Offering a Construction Requirement—8(a) Program'' (RIN9000–AL68) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7865. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''National Historical Publications and Records Commission'' (RIN3095–AB67) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–544 ''Land Acquisition for Housing Development Opportunities Program Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–545 ''Supermarket Tax Exemption Clarification Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–546 ''14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–547 ''Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Clarification Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–548 ''M.M. Washington Career High School Redevelopment Grant Authorization Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–549 ''DCPL Federal Grant Authorization Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–550 ''Washington Convention and Sports Authority Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18–551 ''Youth Baseball Academy Grant Authorization Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–552 ''Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–553 ''Sustainable Energy Utility Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–554 ''Healthy DC Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–555 ''DC High Risk Pool Program Establishment Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–558 ''National Popular Vote Interstate Agreement Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–559 ''Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–561 ''Extension of Review Period for the Proposed Disposition of the J.F. Cook School Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–562 ''District Settlement Payment Integrity Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7882. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–563 ''Private Fire Hydrant Responsibility Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7883. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3315–EM in the Commonwealth of Massachusetts has exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7884. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to four audit reports issued during fiscal year 2010 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–7885. A communication from the Secretary of the Department of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from October 1, 2009, through March 31, 2010 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–7886. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Fourth Quarter Fiscal Year 2010 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–7887. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7888. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2010–1762); to the Committee on the Judiciary.

EC–7889. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the New Mexico Advisory Committee; to the Committee on the Judiciary.

EC–7890. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2009 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC–7891. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending December 31, 2009''; to the Committee on the Judiciary.

EC–7892. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Rules of Procedure Governing Cases Before the Office of Hearings and Appeals'' (RIN3245–AG09) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7893. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Guarantee Program; Size Standards'' (RIN3245–AG10) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7894. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Standards: Retail Trade'' (RIN3245–AF69) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7895. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Standards: Accommodation and Food Services Industries'' (RIN3245–AF71) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7896. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Standards: Other Services'' (RIN3245–AF70) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7897. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Immediate Disaster Assistance Program'' (RIN3245–AG00) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC–7898. A communication from the Deputy Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Supportive Services for Veteran Families Program'' (RIN2900–AN53) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Veterans' Affairs.

EC–7899. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC–7900. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. ARRIEL 2B Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2005–21624)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7901. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Galaxy and Gulfstream 200 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0555)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7902. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (ECF) Model SA–365N1, AS–365N2, AS 365N3, EC 155B, and EC155B1 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0426)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7903. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A.

(EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0715)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7904. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0710)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7905. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE Model G120A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0926)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7906. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce Corporation (RRC) AE 3007A Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0811)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes (Rept. No. 111–348).

S. 2859. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 111–349).

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted during the recess of the Senate on October 1, 2010 under the authority of an order of the Senate of September 29, 2010:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 111–5 Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms with 10 conditions, 3 understandings, and 13 declarations (Ex. Rept. 111–6)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the ''New START Treaty'' (Treaty Document 111–5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) CONDITIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) GENERAL COMPLIANCE.—If the President determines that the Russian Federation is acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so as to threaten the national security interests of the United States, then the President shall—

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and for the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing—

(i) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will redress the impact of Russian actions on the national security interests of the United States.

(2) PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEANS.—(A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analytic resources, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.

(B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to do so would constitute a threat to United States national security interests.

(3) REDUCTIONS.—(A) The New START Treaty shall not enter into force until instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.

(B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (commonly referred to as ''the Moscow Treaty''), then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no such reductions until the President submits to the Senate the President's determination that such reductions are in the national security interest of the United States.

(4) TIMELY WARNING OF BREAKOUT.—If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the Senate, with a view to determining whether circumstances exist that jeopardize the supreme interests of the United States, such that withdrawal from the New START Treaty may be warranted pursuant to paragraph 3 of Article XIV of the New START Treaty.

(5) UNITED STATES MISSILE DEFENSE TEST TELEMETRY.—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the New START Treaty does not require, at any point during which it will be in force, the United States to provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of—

(A) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty;

(B) any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or

(C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

(6) CONVENTIONAL PROMPT GLOBAL STRIKE.—(A) The Senate calls on the executive branch to clarify its planning and intent in developing future conventionally armed, strategic-range weapon systems. To this end, prior to the entry into force of the New START Treaty, the President shall provide a report to the Committees on Armed Services and Foreign Relations of the Senate containing the following:

(i) A list of all conventionally armed, strategic-range weapon systems that are currently under development.

(ii) An analysis of the expected capabilities of each system listed under clause (i).

(iii) A statement with respect to each system listed under clause (i) as to whether any of the limits in Article II of the New START Treaty apply to such system.

(iv) An assessment of the costs, risks, and benefits of each system.

(v) A discussion of alternative deployment options and scenarios for each system.

(vi) A summary of the measures that could help to distinguish each system listed under clause (i) from nuclear systems and reduce the risks of misinterpretation and of a resulting claim that such systems might alter strategic stability.

(B) The report under subparagraph (A) may be supplemented by a classified annex.

(C) If, at any time after the New START Treaty enters into force, the President determines that deployment of conventional warheads on ICBMs or SLBMs is required at levels that cannot be accommodated within the limits in Article II of the New START Treaty while sustaining a robust United States nuclear triad, then the President shall immediately consult with the Senate regarding the reasons for such determination.

(7) UNITED STATES TELEMETRIC INFORMATION.—In implementing Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol, prior to agreeing to provide to the Russian Federation any amount of telemetric information on a United States test launch of a conventionally armed prompt global strike system, the President shall certify to the Committees on Foreign Relations and Armed Services of the Senate that—

(A) the provision of United States telemetric information—

(i) consists of data that demonstrate that such system is not subject to the limits in Article II of the New START Treaty; or

(ii) would be provided in exchange for significant telemetric information regarding a weapon system not listed in paragraph 8 of Article III of the New START Treaty, or a system not deployed by the Russian Federation prior to December 5, 2009;

(B) it is in the national security interest of the United States to provide such telemetric information; and

(C) provision of such telemetric information will not undermine the effectiveness of such system.

(8) BILATERAL CONSULTATIVE COMMISSION.—Not later than 15 days before any meeting of the Bilateral Consultative Commission to consider a proposal for additional measures to improve the viability or effectiveness of the New START Treaty or to resolve a question related to the applicability of provisions of the New START Treaty to a new kind of strategic offensive arm, the President shall consult with the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate with regard to whether the proposal, if adopted, would constitute an amendment to the New START Treaty requiring the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(9) UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES.—

(A) The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. It is the sense of the Senate that—

(i) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(ii) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(iii) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President's 10-year plan provided to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(B) If appropriations are enacted that fail to meet the resource requirements set forth in the President's 10-year plan, or if at any time more resources are required than estimated in the President's 10-year plan, the President shall submit to Congress, within 60 days of such enactment or the identification of the requirement for such additional resources, as appropriate, a report detailing—

(i) how the President proposes to remedy the resource shortfall;

(ii) if additional resources are required, the proposed level of funding required and an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

(iii) the impact of the resource shortfall on the safety, reliability, and performance of United States nuclear forces; and

(iv) whether and why, in the changed circumstances brought about by the resource shortfall, it remains in the national interest of the United States to remain a Party to the New START Treaty.

(10) ANNUAL REPORT.—As full and faithful implementation is key to realizing the benefits of the New START Treaty, the President shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 2012, which will provide—

(A) details on each Party's reductions in strategic offensive arms between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year;

(B) a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;

(C) a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or—

(i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and

(ii) a comprehensive explanation of steps the United States has taken with respect to each such case;

(D) an assessment of the operation of the New START Treaty's transparency mechanisms, including—

(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and

(ii) the extent and usefulness of exchanges of telemetric information; and

(E) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

(b) UNDERSTANDINGS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the instrument of ratification:

(1) MISSILE DEFENSE.—It is the understanding of the United States that—

(A) the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, ''Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this treaty for placement of missile defense interceptors therein.'';

(B) any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.

(2) RAIL-MOBILE ICBMS.—It is the understanding of the United States that—

(A) any rail-mobile-launched ballistic missile with a range in excess of 5,500 kilometers would be an ICBM, as the term is defined in paragraph 37 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(B) an erector-launcher mechanism for launching an ICBM and the railcar or flatcar on which it is mounted would be an ICBM launcher, as the term is defined in paragraph 28 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(C) if either Party should produce a rail-mobile ICBM system, the Bilateral Consultative Commission would address the application of other parts of the New START Treaty to that system, including Articles III, IV, VI, VII, and XI of the New START Treaty and relevant portions of the Protocol and the Annexes to the Protocol; and

(D) an agreement reached pursuant to subparagraph (C) is subject to the requirements of Article XV of the New START Treaty and, specifically, if an agreement pursuant to subparagraph (C) creates substantive rights or obligations that differ significantly from those in the New START Treaty regarding a ''mobile launcher of ICBMs'' as defined in Part One of the Protocol to the New START Treaty, such agreement will be considered an amendment to the New START Treaty pursuant to Paragraph 1 of Article XV of the New START Treaty and will be submitted to the Senate for its advice and consent to ratification.

(3) STRATEGIC-RANGE, NON-NUCLEAR WEAPON SYSTEMS.—It is the understanding of the United States that—

(A) future, strategic-range non-nuclear weapon systems that do not otherwise meet the definitions of the New START Treaty will not be ''new kinds of strategic offensive arms'' subject to the New START Treaty;

(B) nothing in the New START Treaty restricts United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;

(C) nothing in the New START Treaty prohibits deployments of strategic-range non-nuclear weapon systems; and

(D) the addition to the New START Treaty of—

(i) any limitations on United States research, development, testing, and evaluation of strategic-range, non-nuclear weapon systems, including any weapon that is capable of boosted aerodynamic flight; or

(ii) any prohibition on the deployment of such systems, including any such limitations or prohibitions agreed under the auspices of the Bilateral Consultative Commission,

would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New

START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) pursuant to the National Missile Defense Act of 1999 (Public Law 106–38), it is the policy of the United States ''to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)'';

(ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and

(iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.

(C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.

(2) DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK.—It is the sense of the Senate that—

(A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(B) policies based on ''mutual assured destruction'' or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;

(C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;

(D) accordingly, the United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;

(E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and

(F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the treaty.

(3) CONVENTIONALLY ARMED, STRATEGIC-RANGE WEAPON SYSTEMS.—Consistent with statements made by the United States that such systems are not intended to affect strategic stability with respect to the Russian Federation, the Senate finds that conventionally armed, strategic-range weapon systems not co-located with nuclear-armed systems do not affect strategic stability between the United States and the Russian Federation.

(4) NUNN-LUGAR COOPERATIVE THREAT REDUCTION.—It is the sense of the Senate that the Nunn-Lugar Cooperative Threat Reduction (CTR) Program has made an invaluable contribution to the security and elimination of weapons of mass destruction, including nuclear weapons and materials in Russia and elsewhere, and that the President should continue the global CTR Program and CTR assistance to Russia, including for the purpose of facilitating implementation of the New START Treaty.

(5) ASYMMETRY IN REDUCTIONS.—It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.

(6) COMPLIANCE.—(A) The New START Treaty will remain in the interests of the United States only to the extent that the Russian Federation is in strict compliance with its obligations under the New START Treaty.

(B) Given its concern about compliance issues, the Senate expects the executive branch to offer regular briefings, not less than four times each year, to the Committees on Foreign Relations and Armed Services of the Senate on compliance issues related to the New START Treaty. Such briefings shall include a description of all United States efforts in United States-Russian diplomatic channels and bilateral fora to resolve any compliance issues and shall include, but would not necessarily be limited to, a description of—

(i) any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Consultative Commission, in advance of such meetings; and

(ii) any compliance issues raised at the Bilateral Consultative Commission, within thirty days of such meetings.

(7) EXPANSION OF STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA.—It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.

(8) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) of the resolution of advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols (commonly referred to as the ''INF Treaty''), approved by the Senate on May 27, 1988, and condition (8) of the resolution of advice and consent to the ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (commonly referred to as the ''CFE Flank Document''), approved by the Senate on May 14, 1997.

(9) TREATY MODIFICATION OR REINTERPRETATION.—The Senate declares that any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the New START Treaty, including the time frame for implementation of the New START Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) CONSULTATIONS.—Given the continuing interest of the Senate in the New START Treaty and in strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(11) TACTICAL NUCLEAR WEAPONS.—(A) The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

(B) Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Federation and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of—

(i) establishing cooperative measures to give each Party to the New START Treaty improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and

(ii) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

(12) FURTHER STRATEGIC ARMS REDUCTIONS.—(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, ''to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control,'' and in anticipation of the ratification and entry into force of the New START Treaty, the Senate calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(B) The Senate declares that further arms reduction agreements obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.—In accordance with paragraph 1 of Article V of the New START Treaty, which states that, ''Subject to the provisions of this treaty, modernization and replacement of strategic offensive arms may be carried

out,'' it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3947. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY):

S. 3948. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3949. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. CARDIN):

S. 3951. A bill to authorize United States participation in, and appropriations for, the United States contribution to the ninth replenishment of the resources of the Asian Development Fund and the United States subscription to the fifth general capital increase of the Asian Development Bank; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3952. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY:

S. 3954. A bill to improve air cargo security; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BROWN of Massachusetts):

S. 3958. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mrs. McCASKILL:

S. 3959. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. LAUTENBERG (for himself, Mr. WYDEN, and Mr. MENENDEZ):

S. 3960. A bill to prevent harassment at institutions of higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3961. A bill to amend the E-Government Act of 2002 (44 U.S.C. 3501 note) to reform the electronic rulemaking process; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 678. A resolution congratulating the Penn State Nittany Lions for their 400th win under head football coach Joe Paterno; to the Committee on the Judiciary.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. Res. 679. A resolution commemorating the 100th anniversary of the Weeks Law; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. Res. 680. A resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself and Ms. SNOWE):

S. Res. 681. A resolution designating the week of November 15 through 19, 2010, as ''Global Entrepreneurship Week/USA''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 325

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 325, a bill to amend section 845 of title 18, United States Code, relating to explosives, to grant the Attorney General exemption authority.

S. 446

At the request of Mr. SPECTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1548

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1548, a bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3181

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3329

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3329, a bill to provide triple credits for renewable energy on brownfields, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3642, a bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3678

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3678, a bill to improve mental health services for members of the National Guard and Reserve deployed in connection with a contingency operation, and for other purposes.

S. 3695

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3695, a bill to fight criminal gangs.

S. 3706

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3706, a bill to extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3727

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3727, a bill to amend title 18, United States Code, with respect to the offense of stalking.

S. 3735

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3739

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3829

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3829, a bill to repeal the CLASS Act.

S. 3833

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3833, a bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes.

S. 3842

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3842, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 3846

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3846, a bill to establish a temporary prohibition on termination coverage under the TRICARE program for age of dependents under the age of 26 years.

S. 3865

At the request of Mr. BROWN of Ohio, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3865, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 3874

At the request of Mrs. BOXER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3874, a bill to amend the Safe Drinking Act to reduce lead in drinking water.

S. 3881

At the request of Mr. CARDIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3881, a bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes.

S. 3901

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3901, a bill to promote enforcement of immigration laws and for other purposes.

S. 3914

At the request of Mrs. MURRAY, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3914, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 3923

At the request of Mr. SANDERS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3923, a bill to amend the Public Utility Regulatory Policies Act of 1978 to clarify the authority of States to adopt renewable energy incentives.

S. 3924

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3924, a bill to promote transparency and accountability concerning the implementation of the Patient Protection and Affordable Care Act.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3928

At the request of Mr. INOUYE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3928, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 3932

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3932, a bill to provide comprehensive immigration reform, and for other purposes.

S. 3942

At the request of Mr. TESTER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3942, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. NELSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 676

At the request of Mrs. SHAHEEN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 676, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 677

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Res. 677, a resolution to express the sense of the Senate regarding the importance of recycling and the inception of recycling on the National Mall.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

Mr. KERRY. Mr. President, the Centers for Medicare and Medicaid Services, CMS, recently announced that nearly three-quarters of Medicare enrollees will see no increase in their Medicare Part B premium in 2011.

This group of beneficiaries is protected by a ''hold harmless'' provision in the law for years when there is no increase in Social Security checks. As a result, these beneficiaries will continue to pay the same monthly premium of $96.40 that they have paid since 2008.

Unfortunately, 27 percent of Medicare beneficiaries do not receive this ''hold-harmless'' protection and will see their monthly premiums disproportionately increase to $115.40 to shoulder the full load for those beneficiaries who are held harmless. This represents an increase of nearly 19 percent over the past two years with no cost of living adjustment to their retirement pensions or annuities.

This inequity in the law negatively affects new Medicare enrollees, low-income beneficiaries who receive Medicare and Medicaid, higher income enrollees who already pay higher premiums, and seniors who do not receive Social Security, such as federal, state, and local government retirees.

I believe we have a responsibility to protect all Medicare beneficiaries from premium increase, especially during these tough economic times when every penny counts. A premium increase for many seniors would mean choosing between food and medicine and that's a choice they should not have to make.

That is why today I am introducing the Medicare Premium Fairness Act. This legislation would restore fairness to our Medicare system and put money in the pockets of 12 million seniors and individuals with disabilities who desperately need it. It would correct this inequity in the law by applying the ''hold harmless'' provision to all Medicare beneficiaries, so that no enrollee will pay a monthly premium more than $96.40 in 2011.

The Medicare Premium Fairness Act is cosponsored by Senator DODD and Senator CASEY, both of whom have been integral to the development of this legislation. Our legislation is supported by twenty four organizations that represent retirees and senior citizens across the country. I would like to thank all of the number of organizations who have endorsed our legislation today, including the American Federation of State, County and Municipal Employees, AFSCME, the National Active and Retired Federal Employees Association, NARFE, and the National Committee to Preserve Social Security and Medicare, NCPSSM.

Now is the time to protect all Medicare beneficiaries from substantial and unfair Part B premium increases next year. I look forward to working with my colleagues in the Senate to pass the Medicare Premium Fairness Act before the end of the year.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, today, I am introducing legislation that would expand an existing VA benefit program for certain children with spina bifida. These benefits are currently provided under chapter 18 of title 38, United States Code, to the natural children of veterans who were exposed to herbicides such as Agent Orange, in Vietnam or near the Demilitarized Zone, DMZ, in Korea during the Vietnam era.

Current law provides benefits for the natural children of veterans exposed to herbicides only if the veteran served in a specific location, during a specific time frame. VA reports that 1,222 childen currently receive these benefits and that only 10 of these receive them based on the service of a parent who served in outside of Vietnam.

However, VA has conceded that certain veterans who worked on the perimeter of Air Force bases in Thailand outside of the locations provided in current law during the Vietnam era were exposed to herbicides. As a result, children of those veterans suffering from spina bifida are excluded from the benefits provided based solely on where the exposure occurred.

The legislation I am introducing today would correct this inequity. Because only a very small number of children whose veteran parent served outside of Vietnam currently receive benefits, I expect only a small number of children would qualify for benefits under this bill. However, it is an inequity that should be remedied.

I urge our colleagues to support this bill and provide the exact same benefit to all children who have spina bifida related to the veteran parent's exposure to herbicides regardless of the location of their parent's exposure.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am introducing the Space Available Equity Act.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

For instance, members of the reserve components and ''gray area'' retirees, National Guardsmen or Reservists eligible for retirement but under the age of 60, have limited space-available travel privileges on Department of Defense aircraft under current regulation. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active duty members and retirees.

Surviving spouses of a military member eligible for retired pay retain no space-available travel privileges at all after the death of their spouse, despite having made a lifetime commitment to the military or in many cases, lost their loved one in war.

To correct these inequities, I am introducing the National Guard, Reserve, Gray Area Retiree, and Surviving Spouse Space-available Travel Equity Act. This bill will give these deserving individuals comprehensive and equitable space-available travel privileges on Department of Defense aircraft. The bill is endorsed by the National Guard Association of the United States.

I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard, Reserve, ''Gray Area'' Retiree, and Surviving Spouses Space-available Travel Equity Act of 2010''.

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2651 the following new section:

''§ 2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents

''(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as active

duty members of the uniformed services under any other provision of law or Department of Defense regulation.

''(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

''(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

''(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

''(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

''(A) is entitled to retired pay;

''(B) dies in line of duty while on active duty and is not eligible for retired pay; or

''(C) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

''(d) DEPENDENTS.—A dependent of a member or former member described in either subsections (a) or (b) or of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse and the surviving dependent of a deceased member or former member described in subsection (b) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(e) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2651 the following new item:

''2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents.''.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, I am introducing a bill to provide medically separated servicemembers and their family continued access to commissaries and exchanges. Unfortunately, these individuals lose many benefits upon their honorable discharge from the military for disabilities and injuries which prevent them continuing service.

These servicemembers have served their country dutifully. They have earned the right to retain commissary and exchange privileges after being honorably discharged for disabilities that prevent further service and may preclude certain types of employment thus hindering their ability to provide for their families.

My legislation will give commissary and exchange privileges to individuals medically separated from the military to ease economic hardships faced after their discharge. Additionally, by granting commissary and exchange privileges to these Soldiers, Sailors, Airmen, and Marines they will be able to stay connected to their military communities.

This legislation is supported by the National Guard Association of the United States. I hope my colleagues will join me in this effort to honor and recognize the sacrifices of our disabled servicemembers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE FACILITIES BY FORMER MEMBERS OF THE ARMED FORCES WHO WERE RETIRED OR SEPARATED FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1063 the following new section:

''§ 1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability

''(a) ELIGIBILITY OF FORMER MEMBERS.—A former member of the armed forces who was retired or separated from the armed forces for physical disability under chapter 61 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces on active duty.

''(b) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facility' has the meaning given that term in section 1063(e) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1063 the following new item:

''1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability.''.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education Reform Act of 2010 along with my colleague Senator WHITEHOUSE.

During my tenure in Congress, I have worked to ensure that medical schools and teaching hospitals have adequate resources to train the next generation of doctors. I have championed legislation to improve the financing of GME payments to teaching hospitals and annually spearhead efforts to increase grant funding for health professions programs through the appropriations process. In addition, the new health insurance reform law contains an entire title of workforce provisions, many of which I helped to write. The consistent goal of these efforts has been to support our future health care workforce and improve the care that patients receive. The GME Reform Act is an extension of those efforts.

The legislation challenges recent statements by some experts that Medicare overpays teaching hospitals to train medical residents by increasing federal oversight of medical residency programs. For most teaching hospitals, which incur higher costs than other hospitals, this funding is essential to support residency programs and provide high-quality patient care. In addition, now is not the time to starve these important programs of the funding necessary to train our future health care workforce since 30 million more Americans will gain access to health insurance in 2014.

First, the legislation would enhance GME payment transparency. New information about the amount of GME funding that teaching hospitals receive respective to the costs to remain operational would demonstrate that more could be done to support these important programs.

The GME Reform Act would also ensure that teaching hospitals and residency programs spend GME funding to train residents in new models of care and updated technology. Some medical residents, including those in my state, are already trained in these areas, but that is not the case in programs throughout the country. This legislation would encourage reform in every program by linking three percent of indirect medical education payments to teaching hospitals to the performance of residency programs. Medical colleges, accrediting bodies, and other stakeholders that are most familiar with how to train residents would set the specific performance measures. This new oversight would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

These are important and sensible reforms. As I said, many programs throughout the country have already acted in this manner. But, since it is often most effective to have a reasonable balance of oversight and incentives, this legislation would provide a bonus payment to programs that train at least one-third of all residents in primary care.

In addition, this legislation would transform the way that children's hospitals receive payments for training the future health care workforce by

taking those payments out of the discretionary appropriations process and providing mandatory, stable funding every year through a new trust fund.It would also extend residency training funds to children's psychiatric hospitals and women and infants hospitals. There are just a handful of hospitals around the country that fall in these two categories, including two in Rhode Island. Indeed, they should also have access to the resources necessary to support the training of residents.

I am pleased that the GME Reform Act is supported by the only medical school in my state, the Warren Alpert Medical School of Brown University.

My colleagues, Leader REID, Senator NELSON of Florida, and Senator SCHUMER have also taken great interest in supporting our future health care workforce by championing legislation to increase the number of physicians trained each year. This effort is vitally important to ending the shortage of primary care providers in many areas, responding to the increased demand of a growing and aging population, and preparing for the implementation of the new health insurance reform law. I look forward to continuing to support their efforts and working with them on the GME Reform Act as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Graduate Medical Education Reform Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. MEDICARE INDIRECT MEDICAL EDUCATION PERFORMANCE ADJUSTMENT AND PRIMARY CARE TRAINING BONUS.

Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amended—

(1) by redesignating the clause (x) as added by section 5505(b) of the Patient Protection and Affordable Care Act as clause (xi); and

(2) by adding at the end the following new clauses:

''(xii) ADJUSTMENT FOR PERFORMANCE.—

''(I) IN GENERAL.—The Secretary shall establish and implement procedures under which the amount of payments that a hospital would otherwise receive for indirect medical education costs under this subparagraph for discharges occurring during an applicable period is adjusted based on the performance of the hospital on measures of health care work force priorities specified by the Secretary.

''(II) MEASURES.—The measures of health care workforce priorities specified by the Secretary under this clause shall include the extent of training provided in—

''(aa) primary care (as defined in subclause (VII)), excluding fellowships;

''(bb) a variety of settings and systems;

''(cc) the coordination of patient care across settings;

''(dd) the relevant cost and value of various diagnostic and treatment options;

''(ee) interprofessional and multidisciplinary care teams;

''(ff) methods for identifying system errors and implementing system solutions; and

''(gg) the use of health information technology.

''(III) MEASURE DEVELOPMENT PROCEDURES.—

''(aa) IN GENERAL.—The measures of health care workforce priorities specified by the Secretary under this clause shall be measures that have been adopted or endorsed by a consensus organization (such as the Accreditation Council for Graduate Medical Education or the Commission on Osteopathic College Accreditation), that include measures that have been submitted by teaching hospitals and medical schools, and that the Secretary identifies as having used a consensus-based process for developing such measures.

''(bb) PROPOSED SET OF MEASURES.—Not later than January 1, 2013, the Secretary shall publish in the Federal Register a proposed set of measures for use under this clause. The Secretary shall provide for a period of public comment on such measures.

''(cc) FINAL SET OF MEASURES.—Not later than June 30, 2013, the Secretary shall publish in the Federal Register the set of measures to be specified by the Secretary for use under this clause.

''(IV) ADJUSTMENT.—Subject to subclause (V), the Secretary shall determine the amount of any adjustment under this clause to payments to a hospital under this subparagraph in an applicable period. Such adjustment may not exceed an amount equal to 3 percent of the total amount that the hospital would otherwise receive under this subparagraph in such period.

''(V) BUDGET NEUTRAL.—In making adjustments under this clause, the Secretary shall ensure that the total amount of payments made to all hospitals under this subparagraph for an applicable period is equal to the total amount of payments that would have been made to such hospitals under this subparagraph in such period if this clause and clause (xii)(III) had not been enacted.

''(VI) PRIMARY CARE DEFINED.—In this clause, the term 'primary care' means family medicine, general internal medicine, general pediatrics, preventive medicine, obstetrics and gynecology, and psychiatry.

''(VII) APPLICABLE PERIOD DEFINED.—In this clause, the term 'applicable period' means the 12-month period beginning on July 1 of each year (beginning with 2013).

''(xiii) BONUS PAYMENT FOR TRAINING IN PRIMARY CARE.—

''(I) IN GENERAL.—Subject to subclause (III), in the case of discharges occurring during an applicable period, in addition to the amount of payments that a hospital receives for indirect medical education costs under this subparagraph for such discharges (determined after any adjustment under clause (xii)), there shall also be paid to the hospital an amount equal to 1 percent of such payments if, during such applicable period, at least 33 percent of full-time equivelent residents (excluding fellowships) enrolled in the hospital's medical residency training programs were enrolled in medical residency training programs in primary care (as defined in clause (xii)(VI)).

''(II) PAYMENTS FROM MEDICAL EDUCATION TRUST FUND.—Payments to hospitals under subclause (I) shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986.

''(III) LIMITATION.—The total of the payments made to eligible hospitals under subclause (I) with respect to an applicable period shall not exceed an amount equal to the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period.''.

SEC. 3. PAYMENTS FOR GRADUATE MEDICAL EDUCATION TO HOSPITALS NOT OTHERWISE ELIGIBLE FOR PAYMENTS UNDER THE MEDICARE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''GRADUATE MEDICAL EDUCATION PAYMENTS FOR HOSPITALS NOT OTHERWISE ELIGIBLE

''SEC. 1899B. (a) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which payments are made to eligible hospitals for each applicable period for direct expenses and indirect expenses associated with operating approved graduate medical residency training programs.

''(2) REQUIREMENTS.—Under the program under paragraph (1), the provisions of section 340E of the Public Health Service Act shall apply to payments to eligible hospitals in a similar manner as such provisions apply to payments to children's hospitals under such section 340E, except that—

''(A) payments to eligible hospitals under the program shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986; and

''(B) the total of the payments made to eligible hospitals under the program in an applicable period shall not exceed an amount equal to—

''(i) the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period; minus

''(ii) the total amount of payments made to hospitals under section 1886(d)(5)(B)(xiii) in applicable period.

''(b) ELIGIBLE HOSPITAL DEFINED.—In this section, the term 'eligible hospital' means the following hospitals:

''(1) A children's hospital (as defined in section 340E(g)(2) of the Public Health Service Act).

''(2) A freestanding psychiatric hospital that has—

''(A) 90 percent or more inpatients under the age of 18;

''(B) its own Medicare provider number as of December 6, 1999; and

''(C) an accredited residency program.

''(3) A hospital—

''(A) that annually has at least 3,000 births;

''(B) for which less than 4 percent of the total annual discharges from the hospital are Medicare discharges of individuals who, as of the time of the discharge—

''(i) were entitled to, or enrolled for, benefits under part A; and

''(ii) were not enrolled in—

''(I) a Medicare Advantage plan under part C;

''(II) an eligible organization under section 1876; or

''(III) a PACE program under section 1894;

''(C) that has its own Medicare provider number; and

''(D) that has an accredited residency program.

''(c) APPLICABLE PERIOD DEFINED.—In this section, the term 'applicable period' has the meaning given that term in section 1886(d)(5)(B)(xii)(VII).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.''.

SEC. 4. INCREASING GRADUATE MEDICAL EDUCATION TRANSPARENCY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress and the National Health Care Workforce Commission under section 5101 of the Patient Protection and Affordable Care Act a report on the graduate medical education payments that hospitals receive under the Medicare program. The report shall include the following information with respect to each hospital that receives such payments:

(1) The direct graduate medical education payments made to the hospital under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)).

(2) The indirect medical education payments made to the hospital under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(1)(B)).

(3) The number of residents counted for purposes of making the payments described in paragraph (1).

(4) The number of residents counted for purposes of making the payments described in paragraph (2).

(5) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (1).

(6) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (2).

(7) The percent that the payments described in paragraphs (1) and (2) that are made to the hospital make up of the total costs that the hospital incurs in providing graduate medical education, including salaries, benefits, operational expenses, and all other patient care costs.

SEC. 5. ESTABLISHMENT OF TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

''SEC. 9512. MEDICAL EDUCATION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Medical Education Trust Fund' (hereafter in this section referred to as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) APPROPRIATIONS.—There are hereby appropriated to the Trust Fund in each fiscal year (beginning with fiscal year 2013) the sum of an amount equivalent to one-half (or, in the case of fiscal year 2013, two-thirds) of the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans).

''(2) LIMITATION ON TRANSFERS.—No amount may be appropriated or transferred to the Trust Fund on and after the date of any expenditure from the Trust Fund which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the Trust Fund.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund are available, without further appropriation, to the Secretary of Health and Human Services for making payments under sections 1886(d)(5)(B)(xiii) and 1899B of the Social Security Act.

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary of the Treasury based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9512. Medical Education Trust Fund.''.

SEC. 6. PARTIAL FINANCING FOR TRUST FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.

(a) IMPOSITION OF FEE.—Section 4375(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$2'' and inserting ''$4''; and

(2) by striking ''$1'' and inserting ''$3''.

(b) CONFORMING AMENDMENT TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting ''one-half (or, in the case of fiscal year 2013, one-third) of'' after ''equivalent to''.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of

continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY

SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland

Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 678—CONGRATULATING THE PENN STATE NITTANY LIONS FOR THEIR 400TH WIN UNDER HEAD FOOTBALL COACH JOE PATERNO

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 678

Whereas The Pennsylvania State University (referred to in this resolution as ''Penn State'') reached this milestone of 400 wins under Joe Paterno on November 6, 2010;

Whereas the Penn State Nittany Lions football team has been coached by Joe Paterno for 60 years starting in 1950 when Joe Paterno was an assistant coach;

Whereas, in 2009, the graduation rate of Penn State players under Joe Paterno was 89 percent, and the graduation success rate was 85 percent, the highest rates among all football teams in the final 2009 Associated Press Top 25 poll;

Whereas Penn State's football team has more wins under a single head coach than any other head coach in the National Collegiate Athletic Association (NCAA) Division 1A Football Bowl Subdivision (FBS) history;

Whereas Penn State is 1 of just 7 football teams with a history of more than 800 wins, and Joe Paterno has been active with the program for 691 of those games over 60 seasons, with an amazing record of 504 wins, 180 losses, and 7 ties (73.6 percent);

Whereas among Penn State's accolades under Joe Paterno's 45 years as head coach are 2 national championships, 7 undefeated seasons, 23 finished in the top 10 rankings, and 3 Big Ten conference championships since joining the NCAA Division 1A FBS conference in 1993;

Whereas Penn State has 24 bowl game wins and 36 bowl game appearances under Coach Joe Paterno, both of which are the most of any school under 1 football coach; and

Whereas the continued dedication to the players and emphasis on academic integrity and education of Penn State football under Joe Paterno has in Penn State fostering 15 Hall of Fame Scholar-Athletes, 34 first-team All-Americans, 44 overall Academic All-Americas, and 18 NCAA Postgraduate Scholarship winners: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Penn State football team for their unparalleled success resulting in 400 wins under head coach Joe Paterno; and

(2) commends the Penn State football program under head coach Joe Paterno for setting an example of honor, success, integrity, and respect for thousands of players, coaches, students, and fans throughout the Nation.

SENATE RESOLUTION 679—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 552 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated ''We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 680—SUPPORTING INTERNATIONAL TIGER CONSERVATION EFFORTS AND THE UPCOMING GLOBAL TIGER SUMMIT IN ST. PETERSBURG, RUSSIA

Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 680

Whereas wild tiger populations have dwindled from approximately 100,000 at the beginning of the 20th century to as few as 3,200 in 2010, and only approximately 1,000 wild tigers are breeding females;

Whereas tigers now occupy a mere 7 percent of the habitat that tigers historically have occupied;

Whereas poaching, illegal wildlife trade, habitat conversion, depletion of prey base, conflict between humans and wildlife, and other pressures continue to threaten the last wild tigers;

Whereas the remaining tiger habitat in Asia supports some of the richest biodiversity and some of the poorest human populations;

Whereas the remaining tiger habitat benefits local human populations by providing watersheds and buffers against natural disaster and contributing to livelihoods;

Whereas the remaining tiger habitat in Asia represents some of the largest intact storehouses of terrestrial carbon on Earth, containing an average of 3½ times more carbon than areas outside of tiger habitat;

Whereas the tiger, an iconic species worldwide, can act as both a catalyst and a symbol for the conservation of the last great forests of Asia;

Whereas 2010, the ''Year of the Tiger'' in the Chinese calendar and beyond, presents a global opportunity to commit to halting the decline in tigers and to ensuring the doubling of the numbers of tigers by the next ''Year of the Tiger'' in 2022;

Whereas the Government of Russia is hosting the Global Tiger Summit in St. Petersburg, Russia, on November 22 through 24, 2010;

Whereas at the Summit, all 13 countries with remaining wild tiger populations are expected to commit to a Global Tiger Recovery Program;

Whereas the remaining tiger habitat is located in remote transnational areas, providing an opportunity for transboundary cooperation among countries with remaining wild tiger populations;

Whereas countries with remaining wild tiger populations need the support and cooperation of the global community to protect and restore wild tiger populations;

Whereas the United States has been a consistent leader in supporting international tiger conservation; and

Whereas strong United States support for remaining wild tiger populations, the Tiger Summit, and the Global Tiger Recovery Program will be central to the success of tiger conservation efforts: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the Tiger Summit, as such goals reinforce the interests of the United States in recovering tigers in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249);

(2) supports the efforts of United States government agencies to prevent poaching of tigers and to end trafficking in tigers and tiger parts, including through cooperation with the governments of countries with remaining wild tiger populations in training, capacity building, and law enforcement;

(3) supports the efforts of the United States government to protect tigers in the wild and the habitat of tigers through direct conservation assistance;

(4) acknowledges the important role that tiger habitats play in conserving biodiversity, securing forest carbon, protecting critical watersheds, providing buffers against natural disasters, and supporting livelihoods and human well-being in countries with remaining wild tiger populations;

(5) applauds the work of multilateral institutions, governmental, and nongovernmental conservation and environmental organizations working to recover tiger populations in the wild;

(6) commends the government of Russia for its leadership in hosting the Tiger Summit, which brings global attention to this important issue and launches the immediate implementation of National Tiger Recovery Priorities in the each of the 13 countries with remaining wild tiger populations;

(7) reaffirms the commitment of the United States government to tiger conservation;

(8) encourages the highest level of United States engagement in the Tiger Summit and in the outcomes of the Tiger Summit, including the provision of support to countries with remaining wild tiger populations in implementing the National Tiger Recovery Priorities and the Global Tiger Recovery Program; and

(9) urges concerted coordination among all relevant United States agencies to provide support to countries with remaining wild tiger populations in a manner that enables United States resources to provide maximum conservation benefits.

SENATE RESOLUTION 681—DESIGNATING THE WEEK OF NOVEMBER 15 THROUGH 19, 2010, AS ''GLOBAL ENTREPRENEURSHIP WEEK/USA''

Mrs. SHAHEEN (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 681

Whereas more than ½ of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 entrepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2009, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 15 through 19, 2010, as ''Global Entrepreneurship Week''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4691. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4692. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4693. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4694. Mr. INOUYE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4695. Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table.

SA 4696. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4697. Mr. COBURN (for himself, Mrs. MCCASKILL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4698. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4699. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4700. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4701. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4702. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4703. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the

bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4704. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4705. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4706. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4707. Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4691. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any'';

(2) in paragraph (2), by striking ''Notwithstanding the provisions of paragraph (1) of this section, if'' and inserting ''If''; and

(3) by adding at the end the following:

''(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food and with conscious or reckless disregard of a risk of death or serious bodily injury shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.''.

SA 4692. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 407. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

SA 4693. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 407. DESIGNER ANABOLIC STEROID CONTROL.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—

(1) DEFINITIONS.—Section 102(41) of the Controlled Substances Act (21 U.S.C. 802(41)) is amended—

(A) in subparagraph (A)—

(i) in clause (xlix), by striking ''and'' at the end;

(ii) by redesignating clause (xlx) as clause (lxxx); and

(iii) by inserting after clause (xlix) the following:

''(l) 5α-Androstan-3,6,17-trione;

''(li) Androst-4-ene-3,6,17-trione;

''(lii) Androsta-1,4,6-triene-3,17-dione;

''(liii) 6-bromo-androstan-3,17-dione;

''(liv) 6-bromo-androsta-1,4-diene-3,17-dione;

''(lv) 4-chloro-17α-methyl-androsta-1,4-diene-3,17β-diol;

''(lvi) 4-chloro-17α-methyl-androst-4-ene-3β,17β-diol;

''(lvii) 4-chloro-17α-methyl-17β-hydroxy-androst-4-en-3-one;

''(lviii) 4-chloro-17α-methyl-17β-hydroxy-androst-4-ene-3,11-dione;

''(lix) 4-chloro-17α-methyl-androsta-1,4-diene-3,17β-diol;

''(lx) 2α,17α-dimethyl-17β-hydroxy-5α-androstan-3-one;

''(lxi) 2α,17α-dimethyl-17β-hydroxy-5β-androstan-3-one;

''(lxii) 2α,3α-epithio-17α-methyl-5α-androstan-17β-ol;

''(lxiii) [3,2-c]-furazan-5α-androstan-17β-ol;

''(lxiv) 3β-hydroxy-androst-1-en-17-one;

''(lxv) 3β-hydroxy-androst-4-en-17-one;

''(lxvi) 3β-hydroxy-estr-4-en-17-one;

''(lxvii) 3β-hydroxy-estra-4,9,11-trien-17-one;

''(lxviii) 17α-methyl-androst-2-ene-3,17β-diol;

''(lxix) 17α-methyl-androsta-1,4-diene-3,17β-diol;

''(lxx) Estra-4,9,11-triene-3,17-dione;

''(lxxi) 18a-Homo-3-hydroxy-estra-2,5(10)-dien-17-one;

''(lxxii) 6α-Methyl-androst-4-ene-3,17-dione;

''(lxxiii) 17α-Methyl-androstan-3-hydroxyimine-17β-ol;

''(lxxiv) 17α-Methyl-5α-androstan-17β-ol;

''(lxxv) 17β-Hydroxy-androstano[2,3-d]isoxazole;

''(lxxvi) 17β-Hydroxy-androstano[3,2-c]isoxazole

''(lxxvii) 4-Hydroxy-androst-4-ene-3,17-dione[3,2-c]pyrazole-5α-androstan-17β-ol;

''(lxxviii) [3,2-c]pyrazole-androst-4-en-17β-ol;

''(lxxix) [3,2-c]pyrazole-5α-androstan-17β-ol; and''; and

(B) by inserting at the end the following:

''(C) A drug or hormonal substance (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that is not listed in subparagraph (A), and is derived from, or has a chemical structure substantially similar to, 1 or more anabolic steroids listed in subparagraph (A), shall, subject to the limitations of section 201(i)(6) (21 U.S.C. 811(i)(6)), be considered to be an anabolic steroid for purposes of this Act if—

''(i) the drug or substance has been created or manufactured with the intent of producing a drug or other substance that either—

''(I) promotes muscle growth; or

''(II) otherwise causes a pharmacological effect similar to that of testosterone; or

''(ii) the drug or substance has been, or is intended to be, marketed or otherwise promoted in any manner suggesting that consuming it will promote muscle growth or any other pharmacological effect similar to that of testosterone.''.

(2) CLASSIFICATION AUTHORITY.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(i) TEMPORARY AND PERMANENT SCHEDULING OF RECENTLY EMERGED ANABOLIC STEROIDS.—

''(1) The Attorney General may issue a temporary order adding a drug or other substance to the list of anabolic steroids if the Attorney General finds that—

''(A) the drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41) but is not listed in that section or by regulation of the Attorney General as being an anabolic steroid; and

''(B) adding such drug or other substance to the list of anabolic steroids will assist in preventing the unlawful importation, manufacture, distribution, or dispensing of such drug or other substance.

''(2) An order issued under paragraph (1) shall not take effect until 30 days after the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued. The order shall expire not later than 24 months after the date it becomes effective, except that the Attorney General may, during the pendency of proceedings under paragraph (5), extend the temporary scheduling order for up to 6 months.

''(3) A temporary scheduling order issued under paragraph (1) shall be vacated upon the issuance of a permanent scheduling order under paragraph (5).

''(4) An order issued under paragraph (1) is not subject to judicial review.

''(5) The Attorney General may, by rule, issue a permanent order adding a drug or other substance to the list of anabolic steroids if such drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41). Such rulemaking may be commenced simultaneously with the issuance of the temporary order issued under paragraph (1).

''(6) If a drug or other substance has not been temporarily or permanently added to the list of anabolic steroids pursuant to this subsection, the drug or other substance shall be considered an anabolic steroid if in any criminal, civil, or administrative proceeding arising under this Act it has been determined in such proceeding, based on evidence presented in the proceeding, that the substance satisfies the criteria for being considered an anabolic steroid under paragraph (41)(A), (41)(C)(i), or (41)(C)(ii) of section 102.''.

(3) LABELING REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 305 (21 U.S.C. 825) the following:

''SEC. 305A. OFFENSES INVOLVING FALSE LABELING OF ANABOLIC STEROIDS.

''(a) UNLAWFUL ACTS.—

''(1) It shall be unlawful—

''(A) to import into the United States or to export from the United States,

''(B) to manufacture, distribute, dispense, sell, or offer to sell; or

''(C) to possess with intent to manufacture, distribute, dispense, sell, or offer to sell;

any anabolic steroid, or any product containing an anabolic steroid, unless it bears a label clearly identifying any anabolic steroid contained in such steroid or product by the nomenclature used by the International Union of Pure and Applied Chemistry (IUPAC).

''(2) A product that is the subject of an approved application as described in section 505(b), (i) or (j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (i), or (j)) is exempt from the International Union of Pure and Applied Chemistry nomenclature requirement of this subsection if such product is labeled in the manner required by the Federal Food, Drug, and Cosmetic Act.

''(b) CRIMINAL PENALTIES.—

''(1) Any person who violates subsection (a) shall be sentenced to a term of imprisonment of not more than 1 year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $100,000 if the defendant is an individual or $250,000 if the defendant is other than an individual, or both.

''(2) Any person who violates subsection (a) knowing, intending, or having reasonable cause to believe, that the substance or product is an anabolic steroid, or contains an anabolic steroid, shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(c) CIVIL PENALTIES.—

''(1) Any person who violates subsection (a) shall be subject to a civil penalty as follows:

''(A) In the case of an importer, exporter, manufacturer, or distributor (other than as provided in subparagraph (B)), up to $500,000 per violation. For purposes of this subparagraph, a violation is defined as each instance of importation, exportation, manufacturing, or distribution, and each anabolic steroid or product imported, exported, manufactured, or distributed.

''(B) In the case of a sale or offer to sell at retail, up to $25,000 per violation. For purposes of this subparagraph, each sale and each product offered for sale shall be considered a separate violation. Continued offers to sell by a person 10 or more days after written notice (including through electronic message) to the person by the Attorney General or the Secretary shall be considered additional violations.

''(2) Any person who violates subsection (a) with a product that was, at the time of the violation, included on the list described in subsection (d) shall be subject to twice the civil penalty provided in paragraph (1).

''(3) In this subsection, the term 'product' means a discrete article, either in bulk or in finished form prepared for sale. A number of articles, if similarly packaged and bearing identical labels, shall be considered as one product, but each package size, form, or differently labeled article shall be considered a separate product.

''(d) IDENTIFICATION AND PUBLICATION OF LIST OF PRODUCTS CONTAINING ANABOLIC STEROIDS.—

''(1) The Attorney General may, in his discretion, collect data and analyze products to determine whether they contain anabolic steroids and are properly labeled in accordance with this section. The Attorney General may publish in the Federal Register or on the website of the Drug Enforcement Administration a list of products that he has determined, based on substantial evidence, contain an anabolic steroid and are not labeled in accordance with this section.

''(2) The absence of a product from the list referred to in paragraph (1) shall not constitute evidence that the product does not contain an anabolic steroid.''.

(b) SENTENCING COMMISSION GUIDELINES.—The United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines with respect to offenses involving anabolic steroids, including the offenses established under the amendments made by subsection (a) (section 305A of the Controlled Substance Act);

(2) amend the Federal sentencing guidelines, including notes to the drug quantity tables, to provide clearly that in a case involving an anabolic steroid not in a tablet, capsule, liquid, or other form where dosage can be readily ascertained (such as a powder, topical cream, gel, or aerosol), the sentence shall be determined based on the entire weight of the mixture or substance;

(3) amend the applicable guidelines by designating quantities of mixture or substance that correspond to a unit so that offenses involving such forms of anabolic steroids are penalized at least as severely as offenses involving forms whose dosage can be readily ascertained; and

(4) take such other action as the Commission considers necessary to carry out this section.

(c) CONGRESSIONAL OVERSIGHT.—The Administrator of the Drug Enforcement Administration shall report to Congress every 2 years—

(1) what anabolic steroids have been scheduled on a temporary basis under this section; and

(2) the findings and conclusions that led to such scheduling.

SA 4694. Mr. INOUYE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—SEAFOOD SAFETY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. 502. COMMERCIALLY-MARKETED SEAFOOD CONSUMER PROTECTION SAFETY NET.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Federal Trade Commission and other appropriate Federal agencies, and consistent with the international obligations of the United States, strengthen Federal consumer protection activities for ensuring that commercially-distributed seafood in the United States meets the food quality and safety requirements of applicable Federal laws.

(b) INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary and other appropriate Federal agencies shall execute memoranda of understanding or other agreements to strengthen interagency cooperation on seafood safety, seafood labeling, and seafood fraud.

(2) SCOPE OF AGREEMENTS.—The agreements shall include provisions, as appropriate for each such agreement, for—

(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

(C) standardizing data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

(D) coordination of the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, and to carry out the provisions of this title;

(E) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(F) coordination to track shipments of seafood in the distribution chain within the United States;

(G) enhancing labeling requirements and methods of assuring compliance with such requirements to clearly identity species and prevent fraudulent practices;

(H) a process by which officers and employees of the National Oceanic and Atmospheric Administration may be commissioned by the head of any other appropriate Federal agency to conduct or participate in seafood examinations and investigations under applicable Federal laws administered by such other agency;

(I) the sharing of information concerning observed non-compliance with United States seafood requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes;

(J) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities;

(K) sharing, to the maximum extent allowable by law, all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, or otherwise to carry out the provisions of this title; and

(L) outreach to private testing laboratories, seafood industries, and the public on Federal efforts to enhance seafood safety and compliance with labeling requirements, including education on Federal requirements for seafood safety and labeling and information on how these entities can work with appropriate Federal agencies to enhance and improve seafood inspection and assist in detecting and preventing seafood fraud and mislabeling.

(3) ANNUAL REPORTS ON IMPLEMENTATION OF AGREEMENTS.—The Secretary, the Chairman of the Federal Trade Commission, and the heads of other appropriate Federal agencies that are parties to agreements executed under paragraph (1) shall submit, jointly or severally, an annual report to the Congress concerning—

(A) specific efforts taken pursuant to the agreements;

(B) the budget and personnel necessary to strengthen seafood safety and labeling and prevent seafood fraud; and

(C) any additional authorities necessary to improve seafood safety and labeling and prevent seafood fraud.

(c) MARKETING, LABELING, AND FRAUD REPORT.—Within 1 year after the date of enactment of this Act, the Secretary and the Chairman of the Federal Trade Commission shall submit a joint report to the Congress on consumer protection and enforcement efforts with respect to seafood marketing and labeling in the United States. The report shall include—

(1) findings with respect to the scope of seafood fraud and deception in the United States market and its impact on consumers;

(2) information on how the National Oceanic and Atmospheric Administration and the Federal Trade Commission can work together more effectively to address fraud and unfair or deceptive acts or practices with respect to seafood;

(3) detailed information on the enforcement and consumer outreach activities undertaken by the National Oceanic and Atmospheric Administration and the Federal Trade Commission during the preceding year pursuant to this title; and

(4) an examination of the scope of unfair or deceptive acts or practices in the United States market with respect to foods other than seafood and whether additional enforcement authority or activity is warranted.

(d) NOAA SEAFOOD INSPECTION AND MARKING COORDINATION.—

(1) DECEPTIVE MARKETING AND FRAUD.—The National Oceanic and Atmospheric Administration shall report deceptive seafood marketing and fraud to the Federal Trade Commission pursuant to an agreement under subsection (b).

(2) APPLICATION WITH EXISTING AGREEMENTS.—Nothing in this title shall be construed to impede, minimize, or otherwise affect any agreement or agreements regarding cooperation and information sharing in the inspection of fish and fishery products and establishments between the Department of Commerce and the Department of Health and Human Services in effect on the date of enactment of this Act. Within 6 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Health and Human Services shall submit a joint report to the Congress on implementation of any such agreement or agreements, including the extent to which the Food and Drug Administration has taken into consideration information resulting from inspections conducted by the Department of Commerce in making risk-based determinations such as the establishment of inspection priorities for domestic and foreign facilities and the examination and testing of imported seafood.

(3) COORDINATION WITH SEA GRANT PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the NOAA Seafood Inspection Program is coordinated with the Sea Grant Program to provide outreach to States, consumers, and the seafood industry on seafood testing, seafood labeling, and seafood substitution, and strategies to combat mislabeling and fraud.

SEC. 503. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that the laboratories, including Federal, State, and private facilities, comply with applicable Federal laws. Within 1 year after the date of enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a list of certified laboratories. The Secretary shall update and publish the list no less frequently than annually.

SEC. 504. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent that the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. 505. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services may issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under applicable Federal law.

(b) INCREASED TESTING.—If the Secretary of Health and Human Services determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 503, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of applicable Federal laws; and

(2) the Secretary, or other agent of a Federal agency authorized to conduct inspections of seafood, has inspected the shipment and has found that the shipment and the conditions of manufacturing meet the requirements of applicable Federal laws.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 506. INSPECTION TEAMS.

(a) INSPECTION OF FOREIGN SITES.—The Secretary, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team shall assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to the requirements established under applicable Federal laws to address seafood fraud and safety. The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary.

(b) DISTRIBUTION AND USE OF REPORT.—The Secretary shall provide the report to the Secretary of Health and Human Services as information for consideration in making risk-based determinations such as the establishment of inspection priorities of domestic and foreign facilities and the examination and testing of imported seafood. The Secretary shall provide the report to the Executive Director of the Federal Trade Commission for consideration in making recommendations to the Chairman of the Federal Trade Commission regarding consumer protection to prevent fraud, deception, and unfair business practices in the marketplace.

SEC. 507. SEAFOOD IDENTIFICATION.

(a) STANDARIZED LIST OF NAMES FOR SEAFOOD.—The Secretary and the Secretary of Health and Human Services shall initial a joint rulemaking proceeding to develop and make public a list of standardized names for seafood identification purposes at distribution, marketing, and consumer retail stages. The list of standardized names shall take into account taxonomy, current labeling regulations, international law and custom, market value, and naming precedence for all commercially-distributed seafood distributed in interstate commerce in the United States and may not include names, whether similar to existing or commonly used names for species, that are likely to confuse or mislead consumers.

(b) PUBLICATION OF LIST.—The list of standardized names shall be made available to the public on Department of Health and Human Services and the Department of Commerce websites, shall be open to public review and comment, and shall be updated annually.

SEC. 508. DEFINITIONS.

In this title:

(1) APPLICABLE FEDERAL LAWS.—The term ''applicable laws and regulations'' means Federal statutes, regulations, and international agreements pertaining to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood, including the Magnuson-Stevens Fishery Conservation and Management Act, section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004 (21 U.S.C. 374a), and the Seafood Hazard Analysis and Critical Control Point regulations in part 123 of title 21, Code of Federal Regulations.

(2) APPROPRIATE FEDERAL AGENCIES.—The term ''appropriate Federal agencies'' includes the Department of Health and Human Services, the Federal Food and Drug Administration, the Department of Homeland Security, and the Department of Agriculture.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SA 4695. Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cyber Infrastructure Protection Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the

Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) CYBER SECURITY ACTIVITIES.—The term ''cyber security activities'' means a class or collection of similar cyber security operations of a Federal agency that involves personally identifiable data that is—

(A) screened by a cyber security system outside of the Federal agency that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cyber security, outside such Federal agency; or

(C) transferred, for the purpose of cyber security, to an element of the intelligence community.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(5) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(7) NATIONAL CYBER SECURITY PROGRAM.—The term ''National Cyber Security Program'' means the programs, projects, and activities of the Federal Government to protect and defend Federal Government information networks and to facilitate the protection and defense of United States information networks.

(8) NETWORK.—The term ''network'' has the meaning given that term by section 4(5) of the High-Performance Computing Act of 1991 (15 U.S.C. 5503(5)).

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

TITLE I—NATIONAL CYBER CENTER

SEC. 101. DIRECTOR DEFINED.

In this title, except as otherwise specifically provided, the term ''Director'' means the Director of the National Cyber Center appointed under section 103.

SEC. 102. ESTABLISHMENT OF THE NATIONAL CYBER CENTER.

There is a National Cyber Center.

SEC. 103. DIRECTOR OF THE NATIONAL CYBER CENTER.

(a) IN GENERAL.—The head of the National Cyber Center is the Director of the National Cyber Center, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) TERM AND CONDITIONS OF APPOINTMENT.—A Director shall serve for a term not to exceed five years and during such term may not simultaneously serve in any other capacity in the Executive branch.

(c) REPORTING AND PLACEMENT.—

(1) REPORTING.—The Director shall report directly to the President.

(2) PLACEMENT.—The position of the Director shall not be located within the Executive Office of the President.

(d) DUTIES OF THE DIRECTOR.—The Director shall—

(1) coordinate Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) act as the principal adviser to the President, the National Security Council, and to the heads of Federal agencies on matters relating to the protection and defense of Federal Government information networks;

(3) coordinate, and ensure the adequacy of, the National Cyber Security Program budgets for Federal agencies;

(4) maintain and disperse funds from the National Cyber Defense Contingency Fund in accordance with section 108;

(5) ensure appropriate coordination within the Federal Government for the implementation of any cyber security activities conducted by a Federal agency;

(6) ensure appropriate coordination within the Federal Government for the conduct of any operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(7) provide recommendations, on an ongoing basis, to Federal agencies, private sector entities, and public and private sector entities operating critical infrastructure for procedures to be implemented in the event of an imminent cyber attack that will protect critical infrastructure by mitigating network vulnerabilities;

(8) provide assistance to, and cooperate with, the Cyber Defense Alliance established under section 202, including the development of partnerships with public and private sector entities, and academic institutions that encourage cooperation, research, development, and cyber security education and training;

(9) develop plans and policies for the security of Federal Government information networks to be implemented by the appropriate Federal agency;

(10) participate in the process to develop reliability standards pursuant to section 215 of the Federal Power Act (16 U.S.C. 824o);

(11) develop plans and policies for the sharing of cyber threat-related information among appropriate Federal agencies, and to the extent consistent with the protection of national security sources and methods, with State, tribal, and local government departments, agencies, and entities, and public and private sector entities that operate critical infrastructure;

(12) develop policies and procedures to ensure the continuity of Federal Government operations in the event of a national cyber crisis; and

(13) perform such other functions as may be directed by the President.

SEC. 104. MISSIONS OF THE NATIONAL CYBER CENTER.

(a) IN GENERAL.—The National Cyber Center shall—

(1) serve as the primary organization for coordinating Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) develop policies and procedures for implementation across the Federal Government on matters relating to the protection and defense of Federal Government information networks;

(3) provide a process for resolving conflicts among Federal agencies relating to the implementation of cyber security activities or the conduct of operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(4) assign roles and responsibilities to Federal agencies, as appropriate, for the protection and defense of Federal Government information networks that are consistent with applicable law; and

(5) ensure that, as appropriate, Federal agencies have access to, and receive, information, including appropriate private sector information, regarding cyber threats to Federal Government information networks.

(b) ACCESS TO INTELLIGENCE.—The Director shall have access to all intelligence relating to cyber security collected by any Federal agency—

(1) except as otherwise provided by law;

(2) unless otherwise directed by the President; or

(3) unless the Attorney General and the Director agree on guidelines to limit such access.

SEC. 105. COMPOSITION OF NATIONAL CYBER CENTER.

(a) INTEGRATION OF RESOURCES.—Not later than 90 days after the date of the confirmation of the initial Director, the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall, in consultation with the Director, collocate and integrate within the National Cyber Center such elements, offices, task forces, and other components of the Department of Defense, the Department of Homeland Security, the intelligence community, and the Federal Bureau of Investigation that are necessary to carry out the missions of the National Cyber Center.

(b) PARTICIPATION OF FEDERAL AGENCIES.—Any Federal agency not referred to in subsection (a) may participate in the National Cyber Center if the head of such Federal agency and the Director agree on the level and type of such participation.

(c) RECOMMENDATIONS FOR CONSOLIDATION.—In order to reduce duplication of Federal Government efforts, the Director may recommend that the President transfer to, and consolidate within, the National Cyber Center activities that relate to the protection and defense of Federal Government information networks.

(d) INTEGRATION OF INFORMATION NETWORKS.—The Director shall, in coordination with the appropriate head of a Federal agency, oversee the integration within the National Cyber Center of information relating to the protection and defense of Federal Government information networks, including to the extent necessary and consistent with the protection of sources and methods, databases containing such information.

SEC. 106. NATIONAL CYBER CENTER OFFICIALS.

(a) DEPUTY DIRECTORS.—

(1) IN GENERAL.—There shall be two Deputy Directors of the National Cyber Center as follows:

(A) A Deputy Director who shall be appointed by the Secretary of Defense, with the concurrence of the Director.

(B) A Deputy Director who shall be appointed by the Secretary of Homeland Security, with the concurrence of the Director.

(2) APPOINTMENT CRITERIA.—An individual appointed Deputy Director of the National Cyber Center shall have extensive cyber security and management expertise.

(3) DUTIES.—Each Deputy Director of the National Cyber Center shall assist the Director in carrying out the duties and responsibilities of the Director.

(4) VACANCY.—

(A) ABSENCE OR DISABILITY OF DIRECTOR.—As determined by the Director, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during the absence or disability of the Director.

(B) VACANCY IN POSITION OF DIRECTOR.—As determined by the President, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during a vacancy in the position of the Director.

(b) GENERAL COUNSEL.—

(1) IN GENERAL.—There is a General Counsel of the National Cyber Center who shall be appointed by the Director.

(2) DUTIES.—The General Counsel is the chief legal officer of the National Cyber Center and shall perform such functions as the Director may prescribe.

(c) OTHER OFFICIALS.—The Director may designate such other officials in the National Cyber Center as the Director determines appropriate.

(d) STAFF.—To assist the Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize a professional staff having expertise in matters relating to the mission of the National Cyber Center, and may establish permanent positions and appropriate rates of pay with respect to such staff.

SEC. 107. NATIONAL CYBER SECURITY PROGRAM BUDGET.

(a) SUBMISSION OF CYBER BUDGET REQUEST TO THE DIRECTOR.—For each fiscal year, the head of each Federal agency with responsibilities for matters relating to the protection and defense of Federal Government information networks shall transmit to the Director a copy of the proposed National Cyber Security Program budget request of the agency prior to the submission of such proposed budget request to the Office of Management and Budget in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(b) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS.—

(1) IN GENERAL.—The Director shall review each budget request submitted to the Director under subsection (a).

(2) REVIEW OF BUDGET REQUESTS.—

(A) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is inadequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of such information networks.

(B) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written statement confirming the adequacy of the request.

(C) RECORD.—The Director shall maintain a record of each description submitted under subparagraph (A) and each statement submitted under subparagraph (B).

(3) AGENCY RESPONSE.—

(A) IN GENERAL.—The head of a Federal agency that receives a description under paragraph (2)(A) shall include the funding levels and initiatives described by the Director in the National Cyber Security Program budget submission for such Federal agency to the Office of Management and Budget.

(B) IMPACT STATEMENT.—If the head of a Federal agency alters the National Cyber Security Program budget submission of such agency based on a description received under paragraph (2)(A), such head shall include as an appendix to the budget submitted to the Office of Management and Budget for such agency an impact statement that summarizes—

(i) the changes made to the budget based on such description; and

(ii) the impact of such changes on the ability of such agency to perform its other responsibilities, including any impact on specific missions or programs of such agency.

(4) CONGRESSIONAL NOTIFICATION.—The head of a Federal agency shall submit to Congress a copy of any impact statement prepared under paragraph (3)(B) at the time the National Cyber Security Program budget for such agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(5) CERTIFICATION OF NATIONAL CYBER SECURITY PROGRAM BUDGET SUBMISSIONS.—

(A) IN GENERAL.—At the time the head of a Federal agency submits a National Cyber Security Program budget request for such agency for a fiscal year to the Office of Management and Budget, such head shall submit a copy of the National Cyber Security Program budget request to the Director.

(B) DECERTIFICATION.—

(i) IN GENERAL.—The Director shall review each National Cyber Security Program budget request submitted under subparagraph (A).

(ii) BUDGET DECERTIFICATION.—If, based on the review under clause (i), the Director concludes that such budget request does not include the funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, the Director may issue a written decertification of such Federal agency's budget.

(iii) SUBMISSION TO CONGRESS.—In the case of a decertification of a budget request issued under clause (ii), the Director shall submit to Congress a copy of—

(I) such National Cyber Security Program budget request;

(II) such decertification; and

(III) the description made for the budget request under paragraph (2)(B).

(c) CONSOLIDATED NATIONAL CYBER SECURITY PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed National Cyber Security Program budget requests for Federal agencies to the Director under subsection (a), the Director shall, in consultation with the head of such Federal agencies—

(1) develop a consolidated National Cyber Security Program budget proposal;

(2) submit the consolidated budget proposal to the President; and

(3) after making the submission required by paragraph (2), submit the consolidated budget proposal to Congress.

SEC. 108. NATIONAL CYBER DEFENSE CONTINGENCY FUND.

(a) ESTABLISHMENT OF FUND.—There is established within the National Cyber Security Program Budget a fund to be known as the ''National Cyber Defense Contingency Fund,'' which shall consist of amounts appropriated to the Fund for the purpose of providing financial assistance and technical and operational support in the event of a significant cyber incident.

(b) ADMINISTRATION.—The Director shall be responsible for the administration and management of the amounts in the National Cyber Defense Contingency Fund.

(c) USE.—In response to a significant cyber incident involving Federal Government or United States information networks, the Director may distribute amounts from the National Cyber Defense Contingency Fund to appropriate Federal agencies.

(d) NOTIFICATION.—Prior to distributing amounts under this section, the Director shall notify the appropriate congressional committees.

(e) SIGNIFICANT CYBER INCIDENT DEFINED.—In this section, the term ''significant cyber incident'' means a malicious act, suspicious event, or accident that—

(1) causes a disruption of Federal Government or United States information networks;

(2) affects one or more Federal agencies or public or private sector entities operating critical infrastructure;

(3) affects more than one State or a substantial number of residents in one or more States; and

(4) results in a substantial likelihood of harm or financial loss to the United States or its citizens.

SEC. 109. PROGRAM BUDGET SUBMISSION.

(a) SUBMISSION.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(38) a separate statement of the combined and individual amounts of appropriations requested for the National Cyber Security Program, including a separate statement of the amounts of appropriations requested by the Secretary of Defense for the operation and activities of the National Cyber Center and a separate statement of the amounts of appropriations requested by the Secretary of Energy for the operation and activities of the Cyber Defense Alliance.''.

(b) TECHNICAL AMENDMENTS.—Section 1105(a) of title 31, United States Code, as amended by subsection (a), is further amended—

(1) by redesignating the paragraph (33) added by section 889 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2250) as paragraph (35);

(2) by redesignating the paragraph (35) added by section 203 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343; 122 Stat. 3765) as paragraph (36); and

(3) by redesignating the paragraph (36) added by section 2 of the Veterans Health Care Budget Reform and Transparency Act of 2009 (Public Law 111–81; 123 Stat. 2137) as paragraph (37).

SEC. 110. CONSTRUCTION.

Except as otherwise specifically provided, nothing in this title shall be construed as terminating, altering, or otherwise affecting any authority of the head of a Federal agency collocated within or otherwise participating in the National Cyber Center.

SEC. 111. CONGRESSIONAL OVERSIGHT.

The Director shall keep the appropriate congressional committees fully and currently informed of the significant activities of the National Cyber Center relating to ensuring the security of Federal Government information networks.

TITLE II—CYBER DEFENSE ALLIANCE

SEC. 201. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Cyber Defense Alliance established pursuant to section 204(a).

(2) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

SEC. 202. CYBER DEFENSE ALLIANCE.

(a) CHARTER.—There is within a National Laboratory a public and private partnership for sharing cyber threat information and exchanging technical assistance, advice, and support to be known as the Cyber Defense Alliance.

(b) ESTABLISHMENT.—The Secretary of Energy, in coordination with the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall determine the appropriate

location for, and establish, the Cyber Defense Alliance.

(c) CRITERIA.—The criteria to be used in selecting a National Laboratory under subsection (a) shall include the following:

(1) Whether the National Laboratory has received recognition from members of the intelligence community, the Secretary of Homeland Security, or the Secretary of Defense for its cyber capabilities.

(2) Whether the National Laboratory has demonstrated the ability to address cyber-related issues involving varying levels of classified information.

(3) Whether the National Laboratory has demonstrated the capability to develop cooperative relationships with the private sector on cyber-related issues.

(d) PARTNERSHIP.—If the Secretary of Energy, the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation determine that the missions and activities of the Cyber Defense Alliance may only be accomplished through a partnership of two or more National Laboratories acting jointly to support the Alliance, then the Alliance may be established and located within such National Laboratories.

SEC. 203. MISSION AND ACTIVITIES.

The Cyber Defense Alliance shall—

(1) facilitate the exchange of ideas and technical assistance and support related to the security of public, private, and critical infrastructure information networks;

(2) promote research and development, including the advancement of private funding for research and development, related to ensuring the security of public, private, and critical infrastructure information networks;

(3) serve as a national clearinghouse for the exchange of cyber threat information for the benefit of the private sector, educational institutions, State, tribal, and local governments, public and private sector entities operating critical infrastructure, and the Federal Government in order to enhance the ability of recipients of such information to ensure the protection and defense of public, private, and critical infrastructure information networks; and

(4) coordinate with the private sector, State, tribal, and local governments, the governments of foreign countries, international organizations, and academic institutions in developing and encouraging the use of voluntary standards for enhancing the security of information networks.

SEC. 204. BOARD OF DIRECTORS.

(a) IN GENERAL.—The Cyber Defense Alliance shall have a Board of Directors which shall be responsible for—

(1) the executive and administrative operation of the Alliance, including matters relating to funding and promotion of the Alliance; and

(2) ensuring and facilitating compliance by members of the Alliance with the requirements of this title.

(b) COMPOSITION.—The Board shall be composed of the following members:

(1) One representative of the Department of Energy.

(2) Four representatives of Federal agencies, other than the Department of Energy, that have significant responsibility for the protection or defense of government information networks.

(3) Two representatives from the private sector, one of whom shall have experience in civil liberties matters.

(4) Two representatives of State, tribal, and local government departments, agencies, or entities.

(5) Two representatives from the financial sector.

(6) Two representatives from electronic communication service providers.

(7) Two representatives from the transportation industry.

(8) Two representatives from the chemical industry.

(9) Two representatives from a public or private electric utility company or other generators of power.

(10) One representative from an academic institution with established expertise in cyber-related matters.

(11) One additional representative with considerable expertise in cyber-related matters.

(c) INITIAL APPOINTMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation shall jointly appoint the members of the Board described under subsection (b).

(d) TERMS.—

(1) REPRESENTATIVES OF CERTAIN FEDERAL AGENCIES.—Each member of the Board described in subsection (b)(1) shall serve for a term that is—

(A) not longer than three years from the date of the member's appointment; and

(B) determined jointly by the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation.

(2) OTHER REPRESENTATIVES.—The original members of the Board described in paragraphs (3) through (11) of subsection (b) shall serve an initial term of one year from the date of appointment under subsection (c), at which time the members of the Cyber Defense Alliance shall conduct elections in accordance with the procedures established under subsection (e).

(e) RULES AND PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Board shall establish rules and procedures for the election and service of members of the Board described in paragraphs (3) through (11) of subsection (b).

(f) LEADERSHIP.—The Board shall elect from among its members a chair and co-chair of the Board, who shall serve under such terms and conditions as the Board may establish.

(g) SUB-BOARDS.—The Board shall have the authority to constitute such sub-Boards, or other advisory groups or panels, from among the members of the Board as may be necessary to assist the Board in carrying out its functions under this section.

SEC. 205. CYBER DEFENSE ALLIANCE MEMBERSHIP.

(a) REQUIREMENT FOR PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Board shall establish procedures for the voluntary membership by State, tribal, and local government departments, agencies, and entities, private sector businesses and organizations, and academic institutions in the Cyber Defense Alliance.

(b) PARTICIPATION BY FEDERAL AGENCIES.—The Director of the National Cyber Center, in coordination with the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the heads of other appropriate Federal agencies, may provide for the participation and cooperation of such Federal agencies in the Cyber Defense Alliance.

SEC. 206. FUNDING.

(a) INITIAL EXPENSES.—Administrative and logistical expenses associated with the initial establishment of the Cyber Defense Alliance shall be paid by the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

(b) OTHER EXPENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), annual administrative and operational expenses for the Cyber Defense Alliance shall be paid by the members of such Alliance, as determined by the Board.

(2) MAXIMUM FEDERAL CONTRIBUTION.—Not more than 15 percent of the annual expenses referred to in paragraph (1) may be paid by the Federal Government. Such amount shall be provided under the direction of the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

SEC. 207. CLASSIFIED INFORMATION.

Consistent with the protection of sensitive intelligence sources and methods, the Director of National Intelligence shall facilitate—

(1) the sharing of classified information in the possession of a Federal agency related to threats to information networks with appropriately cleared members of the Alliance, including representatives of the private sector and of public and private sector entities operating critical infrastructure; and

(2) the declassification and sharing of information in the possession of a Federal agency related to threats to information networks with members of the Alliance.

SEC. 208. VOLUNTARY INFORMATION SHARING.

(a) USES OF SHARED INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by any member of the Cyber Defense Alliance that is not a Federal agency in furtherance of the mission and activities of the Alliance as described in section 203—

(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) shall not be subject to the rules of any Federal agency or any judicial doctrine regarding ex parte communications with a decision-making official;

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by any Federal agency, any other Federal, State, tribal, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted to the Cyber Defense Alliance in good faith and for the purpose of facilitating the missions of such Alliance;

(D) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this title, except—

(i) in furtherance of an investigation or the prosecution of a criminal act; or

(ii) the disclosure of the information to the appropriate congressional committee;

(E) shall not, if subsequently provided to a State, tribal, or local government or government agency—

(i) be made available pursuant to any State, tribal, or local law requiring disclosure of information or records;

(ii) otherwise be disclosed or distributed to any party by such State, tribal, or local government or government agency without the written consent of the person or entity submitting such information; or

(iii) be used other than for the purpose of protecting information systems, or in furtherance of an investigation or the prosecution of a criminal act; and

(F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

(2) APPLICATION.—Paragraph (1) shall only apply to information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by a member of the Cyber Defense Alliance that is not a Federal agency if such information is accompanied by an express statement requesting that such paragraph apply.

(b) LIMITATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any communication of information to a Federal agency made pursuant to this title.

(c) PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the heads of appropriate Federal agencies, establish uniform procedures for the receipt, care, and storage by such agencies of information that is voluntarily submitted to the Federal Government through the Cyber Defense Alliance.

(2) ELEMENTS.—The procedures established under paragraph (1) shall include procedures for—

(A) the acknowledgment of receipt by a Federal agency of cyber threat information that is voluntarily submitted to the Federal Government;

(B) the maintenance of the identification of such information;

(C) the care and storage of such information;

(D) limiting subsequent dissemination of such information to ensure that such information is not used for an unauthorized purpose;

(E) the protection of the constitutional and statutory rights of any individuals who are subjects of such information; and

(F) the protection and maintenance of the confidentiality of such information so as to permit the sharing of such information within the Federal Government and with State, tribal, and local governments, and the issuance of notices and warnings related to the protection of information networks, in such manner as to protect from public disclosure the identity of the submitting person or entity, or information that is proprietary, business sensitive, relates specifically to the submitting person or entity, and is otherwise not appropriately in the public domain.

(d) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal agency, a State, tribal, or local government or government agency, or any third party—

(1) to obtain cyber threat information in a manner other than through the Cyber Defense Alliance, including obtaining any information lawfully and properly disclosed generally or broadly to the public; and

(2) to use such information in any manner permitted by law.

SEC. 209. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any officer or employee of the United States or of any Federal agency to knowingly publish, divulge, disclose, or make known in any manner or to any extent not authorized by law, any cyber threat information protected from disclosure by this title coming to such officer or employee in the course of the employee's employment or official duties or by reason of any examination or investigation made by, or return, report, or record made to or filed with, such officer, employee, or agency.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both, and shall be removed from office or employment.

SEC. 210. AUTHORITY TO ISSUE WARNINGS.

The Federal Government may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other government entities, or the general public regarding potential threats to information networks as appropriate. In issuing a warning, the Federal Government shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted information that forms the basis for the warning; and

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

SEC. 211. EXEMPTION FROM ANTITRUST PROHIBITIONS.

The exchange of information by and between private sector members of the Cyber Defense Alliance, in furtherance of the mission and activities of the Cyber Defense Alliance, shall not be considered a violation of any provision of the antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)).

SEC. 212. DURATION.

The Cyber Defense Alliance shall cease to exist on December 31, 2020.

SA 4696. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ensuring Greater Food Safety Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. ENSURING FEDERAL AGENCIES EFFECTIVELY COMMUNICATE TO ENSURE GREATER FOOD SAFETY.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary or Agriculture shall establish a plan to ensure effective information sharing regarding the regulation and inspection of food products and facilities, including violations, in which the Food and Drug Administration and the Department of Agriculture share joint, overlapping, or similar responsibility.

(b) JOINT REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture shall issue to Congress a joint report that summarizes the effectiveness, or lack of effectiveness, of the new information sharing arrangement established pursuant to subsection (a).

(c) GAO REPORT.—Not later than 1 year after the issuance of the report under subsection (b), the Comptroller General of the United States shall issue to Congress a report concerning the determination and description of any inefficiencies or other challenges that remain regarding the sharing of information as required pursuant to subsection (a).

SEC. 3. STRATEGIC PLAN FOR HEALTH INFORMATION TECHNOLOGY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for food safety data collection, access to data in external food safety databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) achieve interoperability within the Center for Food Safety and Nutrition and between the Food and Drug Administration and the Department of Agriculture, U.S. Customs and Border Protection, and the Centers for Disease Control and Prevention;

(C) utilize electronic import and recall records; and

(D) communicate food safety and recall information to industry and the public;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

SEC. 4. EXPEDITING NEW FOOD SAFETY TECHNOLOGIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall submit to Congress a plan for a more expeditious process for approving new technologies used to ensure the safety of the food supply.

(b) CONTENT.—The report submitted under subsection (a) shall include a description of how the Food and Drug Administration plans to provide more effective risk-communication regarding new technologies described in such report that are approved by such Administration.

SEC. 5. LIMITED ACCESS TO RECORDS IN PUBLIC HEALTH EMERGENCIES.

(a) MAINTENANCE AND INSPECTION OF RECORDS.—Section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) is amended—

(1) in subsection (a)—

(A) by inserting ''or a related article of food'' after ''such article'' each place the term appears;

(B) by inserting ''or a related article of food'' after ''whether the food''; and

(C) by adding at the end the following: ''In this subsection, the term 'related article of food' means an article of food that is related to the article of food the Secretary has reason to believe is adulterated, such as an article of food produced on the same manufacturing line as the article of food believed to be adulterated.''; and

(2) by adding at the end the following:

''(e) FOOD-RELATED EMERGENCIES.—In the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the Secretary may take action as described in subsection (a) if the Secretary has a reasonable belief that such article of food—

''(1) presents a threat of serious adverse health consequences or death; and

''(2) is related to the emergency.''.

(b) FACTORY INSPECTION.—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended in the second sentence by inserting '', and in the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the inspection shall extend to all records and other information described in section 414 if the Secretary has a reasonable belief that such article of food presents a threat of serious adverse health consequences or death and is related to the emergency, subject to the limitations established in section 414(d)'' before the period at the end.

SEC. 6. REGISTRATION OF FOOD FACILITIES.

Section 415(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by inserting ''(or any successor regulation)'' after ''Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REREGISTRATION.—

''(A) IN GENERAL.—On a biennial basis, a registrant that has registered under paragraph (1) shall submit to the Secretary a reregistration containing the information described in paragraph (2).

''(B) EXPEDITED REREGISTRATION.—The Secretary may provide for an expedited reregistration process in the case of a registrant for which the information described in paragraph (2) has not changed since the preceding registration or reregistration.''.

SEC. 7. CLARIFYING FDA AUTHORITY TO REQUIRE PREVENTIVE CONTROLS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. PREVENTIVE CONTROLS.

''(a) DEFINITIONS.—In this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied, and, as a result, an identified food safety hazard can be prevented, eliminated, or reduced to acceptable levels.

''(2) CRITICAL LIMIT.—The term 'critical limit' means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

''(b) REGULATIONS BY SECRETARY.—The Secretary—

''(1) may by regulation require manufacturers, processors, and packers of food to implement science-based and risk-based processes to prevent, reduce, or eliminate specific hazards from high-risk foods; and

''(2) may issue guidance to assist the relevant industry with compliance with this section.

''(c) LIMITATION.—The Secretary shall not have the authority to place any specific requirements on food safety plans required pursuant to subsection (d)(1). The authority of the Secretary under this section is limited to validating the existence of a food safety plan that meets the explicit statutory requirements provided in this section.

''(d) CONTENT.—

''(1) DETERMINATION.—The regulations under subsection (b) shall include a determination specifying the food facilities which shall be required to develop and maintain a written food safety plan. The determination shall include a careful examination of the effect on small businesses and shall include specific exemptions for firms that will be adversely impacted by the requirements of this section.

''(2) REQUIREMENT.—The regulations under subsection (b) shall require that a required food safety plan—

''(A) list the food safety hazards which the plan is intended to address;

''(B) list the critical control points for each of the identified food safety hazards;

''(C) list the critical limits that must be met at each of the critical control points;

''(D) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

''(E) include any corrective action plans that have been developed to be followed in response to deviations from critical limits at critical control points to either prevent the food from entering commerce, or for correcting the deviation;

''(F) list the verification procedures, and frequency thereof, that the manufacturer, processor, packer will use to ensure the plan is adequate to control identified food safety hazards and that the plan is being effectively implemented;

''(G) provide for a recordkeeping system that documents the acceptance and implementation of the plan, including calibration of instruments, monitoring of the critical control points, and corrective actions;

''(H) establish a schedule for periodic reassessment of the adequacy of the plan which shall be at least annually and whenever any changes occur that could affect the hazard analysis or alter the food safety plan; and

''(I) be modified immediately whenever a reassessment or ongoing verification reveals that the plan is no longer adequate to fully meet the requirements of this section.

''(3) DESCRIPTION.—The regulations under subsection (b) shall describe, as the Secretary determines necessary, any evidence that shall be required to accompany food imported or offered for import into the United States to verify that the food was manufactured, processed, or packed under conditions that comply with this Act. Such evidence shall be of a similar nature and stringency to that which is required by the regulations for food manufactured, processed, or packed in the United States.

''(e) OFFICIAL REVIEW.—All records, food safety plans, and procedures required by this section shall be made available to the Secretary upon request for official review and copying at reasonable times. In conducting such a review, the authority of the Secretary shall be limited to validating the existence of the plan and the Secretary shall not have the authority to alter the plan or require specific items with the plan.

''(f) PUBLIC DISCLOSURE.—All food safety plans and records required by this section shall not be made available for public disclosure unless such plans and records are data and information previously disclosed to the public (as described in section 20.81 of title 21, Code of Federal Regulations), or such plans and records relate to a food or ingredient that has been abandoned and such plans and records no longer represent a trade secret or confidential commercial or financial information (as described in section 20.61 of title 21, Code of Federal Regulations).

''(g) IMPORTS.—

''(1) IN GENERAL.—The Secretary may establish additional or substitute methods and requirements to apply to foreign manufacturers, processors, and packers of food that are of similar stringency to the methods and requirements applicable to domestic manufacturers, processors, and packers of food. Such methods or requirements shall ensure that—

''(A) food imported or offered for import into the United States is manufactured, processed, and packed in accordance with this Act; and

''(B) food manufactured, processed, or packed in a foreign country is evaluated for compliance with this Act in a similar manner as food manufactured, processed, or packed in the United States.

''(2) COMPETENT THIRD PARTY.—An importer may contract with a competent third party to assist with or perform any or all of the verification activities specified in this section.

''(h) EXCEPTIONS.—The regulations in this section shall not apply to—

''(1) harvesting food, without otherwise engaging in processing;

''(2) the operation of a retail establishment;

''(3) the manufacturing, processing, or packing of seafood or fresh juice; and

''(4) small producers that demonstrate in writing to the Secretary that complying with such regulations would adversely impact their operations.''.

SEC. 8. EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.

(a) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(2) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(3) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(b) TREATMENT OF FEES.—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed $175 for each certification.''; and

(2) by inserting after subparagraph (B) the following:

''(C) With respect to fees collected for a fiscal year pursuant to subparagraph (B), the following shall apply:

''(i) In the case of fees for certification of exported drugs, animal drugs, or devices, be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and be available in accordance with appropriations Acts until expended, without fiscal year limitation. To cover the cost of issuing such certifications, such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration

without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.

''(ii) In the case of fees for certification of exported foods, be credited to the Food and Drug Administration User Fee Account and be available in accordance with appropriations Acts until expended, without fiscal year limitation.''.

(c) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)), as amended by subsection (b), is amended by adding at the end the following:

''(D) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (which may include a publicly available listing) as the Secretary determines appropriate.''.

SEC. 9. LEVERAGING THIRD PARTY INSPECTIONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

''(h) ACCREDITATION OF ENTITIES THAT INSPECT DOMESTIC FACILITIES OR FOREIGN FACILITIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) DOMESTIC FACILITY.—The term 'domestic facility' has the meaning given the term in section 415.

''(B) FOREIGN FACILITY.—The term 'foreign facility' has the meaning given the term in section 415.

''(2) VOLUNTARY USE OF ACCREDITED ENTITIES BY FACILITIES.—A domestic facility or foreign facility may employ an entity accredited under this subsection to inspect such facility to ensure compliance with this Act.

''(3) AUTHORIZATION.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary, subject to subparagraph (B), shall accredit entities for the purpose of inspecting domestic facilities or foreign facilities to ensure compliance with this Act. Such entities may include State governments or foreign government entities.

''(B) CRITERIA TO ACCREDIT ENTITIES AND CATEGORIES OF ACCREDITATION.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary shall publish in the Federal Register criteria to accredit entities, including the requirements described in clause (iii), and the categories of accreditation.

''(ii) CONSULTATION.—In developing the criteria and categories described in clause (i), the Secretary shall consult with the Secretary of Agriculture, the Secretary of Commerce, and the heads of other agencies with experience in accrediting third parties to determine the accreditation categories and criteria that are most appropriate.

''(iii) REQUIREMENTS TO BECOME ACCREDITED.—In order for an entity to be accredited under this subsection, the entity shall, at a minimum, meet the following requirements:

''(I) Such entity may not be an employee of the Federal Government.

''(II) Such entity shall be an independent organization that is not owned or controlled by a manufacturer, supplier, or vendor of food regulated under this Act and that has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

''(III) Such entity shall be legally constituted and permitted to conduct the inspection activities for which it seeks accreditation.

''(IV) Such entity may not engage in the design, manufacture, promotion, or sale of food regulated under this Act.

''(V) The operations of such entity shall be in accordance with generally accepted professional and ethical business practices, and such entity shall agree in writing that, at a minimum, the entity will—

''(aa) certify that reported information accurately reflects data reviewed, inspection observations made, other matters that relate to or may influence compliance with this Act, and recommendations made during an inspection or at an inspection's closing meeting;

''(bb) limit work to that for which competence and capacity are available;

''(cc) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information, except such information may be made available to the Secretary; and

''(dd) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited.

''(iv) CATEGORIES OF ACCREDITATION.—The categories of accreditation may include—

''(I) inspection of domestic facilities only;

''(II) inspection of foreign facilities only; or

''(III) inspection of both domestic facilities and foreign facilities.

''(C) ACTING ON REQUEST FOR ACCREDITATION.—

''(i) INFORMATION ON ADEQUACY.—Not later than 60 days after the date the Secretary receives a request from an entity to be accredited under this subsection, the Secretary shall inform the entity whether the request for accreditation is adequate for review.

''(ii) DETERMINATION.—Not later than 90 days after the date the Secretary informs an entity under clause (i), the Secretary shall make a determination with respect to the request.

''(D) CONTENT OF ACCREDITATION.—Any accreditation granted under this subsection shall state that the entity is accredited to conduct inspections at domestic facilities, foreign facilities, or both, or such other categories as may be applicable.

''(E) EFFECT OF SUBSECTION.—Nothing in this subsection shall affect the authority of the Secretary under this Act to inspect any domestic facility or foreign facility.

''(4) REQUIREMENTS OF ACCREDITED ENTITIES.—

''(A) MAINTENANCE OF RECORDS.—

''(i) IN GENERAL.—An entity accredited under this subsection shall maintain records documenting—

''(I) the qualifications of the entity to inspect and the training and qualification of employees of the entity;

''(II) the procedures used by the entity for handling confidential information;

''(III) the compensation arrangements made by the entity; and

''(IV) the procedures used by the entity to identify and avoid conflicts of interest.

''(ii) ACCESS TO RECORDS.—Upon the request of an officer or employee designated by the Secretary, an entity accredited under this subsection shall permit the officer or employee, at all reasonable times, to have access to, copy, and verify the records described in clause (i).

''(iii) PRODUCTION OF RECORDS.—Not later than 15 days after the date an entity accredited under this subsection receives a written request from the Secretary for a copy of the records described in clause (i), the entity shall produce the copy at the place designated by the Secretary.

''(B) INSPECTION REPORTS.—

''(i) IN GENERAL.—In carrying out an inspection of a domestic facility or foreign facility to ensure compliance with this Act, an entity accredited under this subsection shall—

''(I) record in writing the entity's inspection observations;

''(II) present the observations to the facility's designated representative and describe each observation; and

''(III) prepare an inspection report (including for inspections for which there are no corrective actions needed) in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

''(ii) CONTENT OF REPORT.—An inspection report prepared under clause (i)(III) shall, at a minimum—

''(I) identify the person responsible for compliance with this Act at the inspected facility, the dates of the inspection, and the scope of the inspection;

''(II) describe in detail each observation identified by the entity accredited under this subsection;

''(III) identify other matters that relate to or may influence compliance with this Act; and

''(IV) describe any recommendations made by the entity accredited under this subsection to the inspected facility during the inspection or at the inspection's closing meeting.

''(iii) REPORT SENT TO THE SECRETARY.—Not later than 10 days after the last date of an inspection, the entity accredited under this subsection shall submit the inspection report prepared under clause (i)(III) to the Secretary and the designated representative of the inspected facility at the same time. The inspection report submitted to the Secretary shall be accompanied by all written inspection observations previously provided to the designated representative of the inspected facility.

''(iv) FALSE STATEMENTS.—Any statement or representation made by an employee or agent of a domestic facility or foreign facility to an entity accredited under this subsection shall be subject to section 1001 of title 18, United States Code.

''(v) IMMEDIATE NOTIFICATION.—If, at any time during an inspection by an entity accredited under this subsection, the entity discovers a condition that could cause or contribute to an unreasonable risk to the public health, the entity shall immediately notify the Secretary of the identity of the facility subject to inspection and such condition.

''(5) REQUIREMENTS OF THE SECRETARY.—

''(A) PUBLICATION OF LIST OF ACCREDITED ENTITIES ON INTERNET.—

''(i) IN GENERAL.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration lists of entities that are accredited under this subsection in each category established under this subsection.

''(ii) UPDATING LISTS.—The lists described in clause (i) shall be updated to ensure that the identity of each entity accredited under this subsection, and the particular category for which the entity is accredited, is known to the public. The lists shall be updated not later than 30 days after the date on which—

''(I) an entity is accredited under this subsection;

''(II) the accreditation of an entity under this subsection is suspended or withdrawn; or

''(III) the particular category for which an entity is accredited under this subsection is modified.

''(B) AUDITS; WITHDRAWAL; DEBARMENT.—

''(i) IN GENERAL.—To ensure that entities accredited under this subsection continue to meet the standards of accreditation, the Secretary shall—

''(I) audit the performance of such entities on a periodic basis through the review of inspection reports and inspections by the Secretary to evaluate the compliance status of a

domestic facility or foreign facility and the performance of entities accredited under this subsection; and

''(II) take such additional measures as the Secretary determines to be appropriate.

''(ii) WITHDRAWAL.—

''(I) IN GENERAL.—The Secretary may withdraw accreditation of an entity accredited under this subsection, after providing notice and an opportunity for an informal hearing, if—

''(aa) such entity is substantially not in compliance with the standards of accreditation;

''(bb) such entity poses a threat to public health;

''(cc) such entity fails to act in a manner that is consistent with the purposes of this subsection; or

''(dd) the Secretary determines that there is a financial conflict of interest in the relationship between such entity and the owner or operator of a domestic facility or foreign facility that the entity has inspected under this subsection.

''(II) SUSPENSION.—The Secretary may suspend accreditation of an entity during the pendency of the process under subclause (I).

''(iii) DEBARMENT.—If the Secretary determines that an entity accredited under this subsection has violated section 301(y), the Secretary—

''(I) shall withdraw such entity's accreditation under this subsection; and

''(II) may permanently debar a responsible person for such entity from being accredited and from carrying out inspection activities under this subsection.

''(6) FEES.—An entity accredited under this subsection may charge a domestic facility or foreign facility reasonable fees for inspection services.

''(7) SYMBOL INDICATING INSPECTION BY AN ACCREDITED ENTITY.—The Secretary may by regulation establish one or more tamper-resistant symbols indicating that an article of food was produced in a domestic or foreign facility that passed an accredited third party inspection. Such a symbol may be affixed on the packaging of such an article.

''(8) ELECTRONIC IMPORT CERTIFICATES.—If the standards, processes, and criteria to certify articles of food used by a foreign regulatory authority of an exporting country or an entity accredited under this subsection are sufficient to ensure compliance with this Act, the Secretary shall enter into agreements with such regulatory authority or such accredited entity to electronically certify each food shipment or class of shipments of designated food for compliance with this Act prior to shipment. Such agreements shall include provision of electronic certificates from such regulatory authority or such accredited entity to accompany each shipment. The Secretary shall provide criteria for such certificates to ensure a secure system that prevents counterfeiting of the certificates and takes into consideration possible transshipment of products as a way to avoid certification.

''(9) CONSIDERATION.—Notwithstanding any other provision of law, the Secretary shall consider inspections performed by accredited entities under this subsection, as well as other private food safety contracts, when determining the overall inspection schedule of the Food and Drug Administration in order to focus on higher-risk facilities.''.

(b) PROHIBITED ACTS.—Section 301(y) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(y)) is amended—

(1) in paragraph (1), by inserting ''or an entity accredited under section 704(h)'' after ''523'';

(2) in paragraph (2)—

(A) by inserting ''or an entity accredited under section 704(h)'' after ''523''; and

(B) by inserting ''or entity'' after ''such person''; and

(3) in paragraph (3)—

(A) by inserting ''or an entity accredited under section 704(h)'' after ''523'';

(B) by inserting ''or entity'' after ''by such person''; and

(C) by inserting ''or entity'' after ''to such person''.

SEC. 10. ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

''(p) ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.—If an article of food is being imported or offered for import at a port of entry into the United States and such article of food is from a foreign facility at which an inspection by an entity accredited under section 704(h) was completed prior to the production of such article of food at such facility and—

''(1) the results of the inspection were no official action indicated, the Commissioner of Food and Drugs agrees with the results of the inspection, and such facility has a certificate described under section 704(h)(8), then the article of food shall be presumed to be admissible into the United States and shall not be detained or refused admission but shall receive permission for expedited entry into the United States;

''(2) the results of the inspection were voluntary action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of food shall be subject to increased random inspection at the border; or

''(3) the results of the inspection were official action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of food shall—

''(A) be—

''(i) held at the port of entry for the article without physical examination and refused admission if the inspection failure was due to a condition presenting a reasonable probability that the use of or exposure to the article of food will cause serious adverse health consequences or death; or

''(ii) placed on import alert if the inspection failure was due to a condition in which use of or exposure to the article of food may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote; and

''(B) be subject to other actions as provided under this Act.''.

SEC. 11. ACTIVITIES WITH OTHER GOVERNMENTS.

(a) MEETINGS AND AGREEMENTS.—

(1) IN GENERAL.—In carrying out the functions of the Office of International Programs of the Food and Drug Administration, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'')—

(A) shall regularly participate in meetings with representatives of foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(B) may enter into an agreement with a foreign entity to facilitate commerce in food between the United States and such entity—

(i) consistent with the requirements of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(ii) in which the Secretary shall encourage the mutual development and recognition of—

(I) good manufacturing practice regulations; and

(II) other regulations and testing protocols as the Secretary determines to be appropriate.

(2) JOINT INSPECTION.—An agreement entered into pursuant to paragraph (1)(B) may include joint inspection missions where an inspection team is composed of individuals from regulatory authorities of both countries.

(b) REDUCTION OF REGULATION BURDEN AND HARMONIZATION OF FOOD REGULATORY REQUIREMENTS.—The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in meetings with representatives of foreign governments to discuss methods and approaches to reduce the burden of regulation and harmonize food regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 12. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SA 4697. Mr. COBURN (for himself, Mrs. MCCASKILL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2011 THROUGH 2013.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2011 through 2013.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality, or congressional district.

SA 4698. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

SEC. 212. REPORT ON FOOD FRAUD.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commissioner of Food and Drugs shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, and the Committee on Appropriations of the Senate and to the Committee on Energy and Commerce, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives a written report on food fraud.

(b) CONTENTS OF REPORT.—The report described in subsection (a) shall include—

(1) a list of food fraud complaints filed with the Food and Drug Administration;

(2) a list of food fraud investigations conducted by the Food and Drug Administration;

(3) penalties for food fraud assessed by the Food and Drug Administration;

(4) resources of the Food and Drug Administration that are used to combat food fraud, including staffing and equipment;

(5) field reports of food fraud investigations conducted by the Food and Drug Administration; and

(6) recommendations of resources the Food and Drug Administration could use to combat food fraud.

(c) FOOD FRAUD DEFINITION.—For purposes of this section, the term ''food fraud'' means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers.

SA 4699. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

SEC. 212. FOOD FRAUD INVESTIGATION TASK FORCE.

Chapter IV (21 U.S.C. 341 et seq.), as amended by section 207, is further amended by adding at the end the following:

''SEC. 424. FOOD FRAUD INVESTIGATION TASK FORCE.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a Food Fraud Investigation Task Force (referred to in this section as the 'Task Force'), headed by the Commissioner, to investigate suspected cases of food fraud.

''(b) TASK FORCE INVESTIGATIVE AUTHORITY AND DUTIES.—The duties of the Task Force shall include—

''(1) developing and maintaining a toll-free telephone hotline and a reporting form on the Internet website of the Food and Drug Administration for individuals to report suspected cases of food fraud to the Secretary;

''(2) establishing a rapid response investigation team to investigate suspected cases of food fraud reported to the Secretary; and

''(3) establishing a surveillance program to randomly inspect food in the marketplace in order to identify cases of food fraud.

''(c) CONSULTATION.—In carrying out this section, the Task Force shall consult with the Secretary of Agriculture and the heads of relevant agencies and offices within the Department of Agriculture.

''(d) CONSIDERATIONS.—In carrying out the duties under this section, the Task Force shall consider—

''(1) the use of DNA testing equipment, isotope ratio testing equipment, and other devices to accurately detect instances of food fraud; and

''(2) partnering with third parties to assist in the detection of food fraud.

''(e) BIENNIAL REPORTING.—The Task Force shall prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate and the Committee on Agriculture, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives a biennial report containing findings by the Task Force with respect to food fraud and recommendations on how to combat food fraud in the marketplace.

''(f) FOOD FRAUD.—For purposes of this section, the term 'food fraud' means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers.''.

SA 4700. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ___. SENSE OF THE SENATE ON CATFISH FOOD SAFETY.

(a) IN GENERAL.—It is the sense of the Senate that—

(1) Congress enacted section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130) and the amendments made by that section to improve catfish inspection following multiple discoveries of banned substances;

(2) subsection (b) of that section includes amendments that require the Secretary of Agriculture to provide inspection activities under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) for farm-raised catfish, by adding catfish to the list of amenable species (as that term is defined in section 1 of that Act (21 U.S.C. 601));

(3) it is imperative that the Secretary of Agriculture and the Director of the Office of Management and Budget implement those amendments to improve food safety procedures and protect consumers in the United States; and

(4) the Secretary of Agriculture and the Director of the Office of Management and Budget should promulgate regulations to complete implementation of section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130) and the amendments made by that section.

(b) RELATIONSHIP TO OTHER ACTIVITIES.—In establishing the grading and inspection program for catfish in accordance with the amendments made by section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130), the Secretary of Agriculture shall ensure that the program does not duplicate, impede, or undermine any food safety or product grading activity conducted by the Secretary of Commerce or the Commissioner of Food and Drugs.

SA 4701. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ___. SENSE OF THE SENATE ON FOOD, CONSERVATION, AND ENERGY ACT OF 2008.

It is the sense of the Senate that—

(1) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) was enacted on June 18, 2008, and it is critical that action be taken to fully implement that Act and the amendments made by that Act; and

(2) the Director of the Office of Management and Budget should promulgate any remaining regulations relating to food safety and inspection that are necessary to complete implementation of that Act and the amendments made by that Act.

SA 4702. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—SMALL BUSINESS PAPERWORK REDUCTION

SEC. 501. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 502. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4703. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. MEMBERSHIP OF CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF THE JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau is a member of the Joint Chiefs of Staff, and shall perform the duties prescribed as a member of the Joint Chiefs of Staff under section 151 of this title.''.

SA 4704. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. WEEKLY INCREASE IN THE REWARD FOR CAPTURE OF OSAMA BIN LADEN.

(a) FINDING.—Congress finds that a foremost objective of United States counterterrorism policy should be protecting United States persons and property by capturing or killing Osama bin Laden, and other leaders of the al Qaeda network, and by destroying the al Qaeda network.

(b) WEEKLY INCREASE IN REWARD.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: ''The amount of the reward under the previous sentence shall be increased by $1,000,000 every seven days after the date of the enactment of this sentence until September 30, 2015.''.

SA 4705. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. DEFERRAL OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO GIVE BIRTH TO A CHILD.

(a) DEFERRAL.—A member of the Armed Forces who gives birth to a child may not be deployed or otherwise temporarily assigned to a location away from the permanent duty station or homeport of the member during such period beginning on the date of birth as the Secretary of the military department concerned shall specify with respect to the member.

(b) MINIMUM PERIOD.—The minimum period specified with respect to a member under subsection (a) shall be six months.

(c) WAIVER OF DEFERRAL BY MEMBER.—A member may waive a deferral of deployment or assignment under subsection (a), in whole or in part.

(d) WAIVER OF APPLICABILITY OF DEFERRAL.—The Secretary of Defense may waive the applicability of subsection (a) to a member otherwise covered by that subsection if the Secretary determines that the waiver is in the national security interests of the United States. Waivers under this subsection shall be made on a case-by-case basis.

(e) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall, to the extent practicable, apply uniformly across the Armed Forces.

(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces who give birth on or after that date.

SA 4706. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, between lines 10 and 11, insert the following:

(h) REPAYMENT OF FUNDS PROVIDED.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Iraq Security Forces Fund (ISSF) is intended to provide funding in areas where the United States is in a position to make a unique contribution to Iraqi security.

(B) Starting in 2008, Congress called for Government of Iraq to increase the level it financed its own security forces in light of increases in oil revenues and unspent funds.

(C) Iraq has an available surplus of $11,800,000,000, according to a September 2010 report by the Government Accountability Office. The report, entitled ''Iraqi-U.S. Cost Sharing'', projected a budget surplus of $52,100,000,000 through the end of 2009, with estimated outstanding advances of $40,300,000,000.

(D) In addition, the security ministries of Iraq did not use between $2,500,000,000 and $5,200,000,000 of their budgeted funds from 2005 through 2009, which could have been used to address security needs, according to the same Government Accountability Office report.

(E) The fiscal year 2011 budget request of the President for the Iraq Security Forces Fund was $2,000,000,000.

(F) The United States has authorized $707,000,000,000 for military operations in Iraq since 2003, of which $24,000,000,000 has been provided for training, equipment, supplies, facility construction, and other services for the Iraqi security forces.

(G) Iraq has the third largest oil reserve in the world, providing a steady source of revenue that has led to budget surpluses even during a period of global economic hardship.

(H) The Government of Iraq should assume responsibility for the costs associated with building its security forces.

(I) The United States budget deficit for fiscal 2010 is estimated at slightly less than $1,300,000,000,000 by the Congressional Budget Office, and the projected deficit for fiscal 2011 is $980,000,000,000.

(J) The United States cannot continue to fund security activities for the Government of Iraq, which now possesses the resources and ability to provide for itself.

(2) PROVISION OF ASSISTANCE AFTER FISCAL YEAR 2010 THROUGH LOANS.—United States funds made available from the Iraq Security Forces Fund after the date of the enactment of this Act shall be provided in the form of loans subject to full repayment to the Government of the United States.

(3) REPAYMENT.—The Secretary of State shall, in conjunction with the Secretary of Defense, seek to enter into negotiations with the Government of Iraq in order to enter into an agreement under which the Government of Iraq agrees to repay the United States Government the United States funds provided from the Iraq Security Forces Fund, including United States funds provided before the date of the enactment of this Act and United States funds provided as loans under paragraph (2).

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to Congress a report describing the status of negotiations described in paragraph (3), including any details of the repayment agreement entered into as a result of such negotiations.

SA 4707. Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, November 17, 2010, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Strengthening Medicare and Medicaid: Taking Steps to Modernize America's Health Care System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 17, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., to conduct a hearing entitled ''Securing Critical Infrastructure in the Age of Stuxnet.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Judicial and Executive Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Bill McConagha, a detailee in the Senate HELP Committee Majority Health Office, be granted floor privileges for the duration of S. 510, the FDA Food Safety Modernization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ASIAN CARP PREVENTION AND CONTROL ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, S. 1421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Asian Carp Prevention and Control Act''.

SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting ''of the bighead carp of the species Hypophthalmichthys nobilis;'' after ''Dreissena polymorpha;''.

GLOBAL ENTREPRENEURSHIP WEEK/USA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 681, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 681) designating the week of November 15 through 19, 2010, as ''Global Entrepreneurship Week/USA.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 681) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 681

Whereas more than ½ of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 entrepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2009, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 15 through 19, 2010, as ''Global Entrepreneurship Week''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

ORDERS FOR THURSDAY, NOVEMBER 18, 2010

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act, postcloture; and the Senate recess from 12:30 until 3 p.m., with the time during recess, adjournment, or period of morning business counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, the postcloture debate time on the motion to proceed to the food safety bill will expire late tomorrow afternoon. In the meantime, we will continue to work on an agreement to consider amendments to the bill. We wish to reach agreement so we can complete action on this important legislation this week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 3962 AND S. 3963

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 18, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DANIEL L. SHIELDS III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U. N. MANAGEMENT AND REFORM.

DEPARTMENT OF JUSTICE

ANDREW L. TRAVER, OF ILLINOIS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

LOUIS JOHN FINTOR, OF FLORIDA
BETH ANNE MITCHELL, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

LESLIE WILLIAMS DOUMBIA, OF ALABAMA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PERRY A. DAVIS, OF ILLINOIS
LAWRENCE J. PANIGOT, OF TEXAS
DONALD P. PEARCE, OF NEW YORK

DEPARTMENT OF STATE

YVON ACCIUS, OF FLORIDA
OMAR S. AHMED, OF NEW YORK
DRU ALEJANDRO, OF ILLINOIS
CHRIS E. ANDERSON, OF THE DISTRICT OF COLUMBIA
RACHEL ATWOOD, OF NORTH DAKOTA
CALEB DANIEL BECKER, OF TEXAS
GEOFFREY BENELISHA, OF VIRGINIA
THOMAS DEE BEVAN, OF UTAH
CORI BICKEL, OF ARKANSAS
DOREL V. BINDEA, OF VIRGINIA
CARLO WISE BOEHM, OF TEXAS
THOMAS CHARLES BOLLATI, OF NEW YORK
M. ALLYN BROOKS-LASURE, OF VIRGINIA
BRENDAN E. BROWN, OF VIRGINIA
ANYA YAKHEDTS BRUNSON, OF FLORIDA
MELODY BULLOCK, OF VIRGINIA
JIHI JULIETA BUSTAMANTE, OF VIRGINIA
CHRISTINE BUZZARD, OF OKLAHOMA
DENEEN KAY CASTLE, OF ILLINOIS
DANJIE CHEN, OF VIRGINIA
YUSHIN CHOI, OF CALIFORNIA
DIANA CHU, OF ARIZONA
PAUL COLOMBINI, OF MARYLAND
EMMA CONDON, OF MINNESOTA
PATRICK EVANS CONNALLY, OF WASHINGTON
JOSEPH G. CORDARO, OF TENNESSEE
SETH CORNELL, OF PENNSYLVANIA
LOGAN RISHARD COUNCIL, OF NORTH CAROLINA
CHRISTOPHER D. COURT, OF VIRGINIA
EMILY GRACE CRAWFORD, OF ILLINOIS
TODD WILSON ARDELL CRAWFORD, OF OREGON
JOAQUIN CROSLIN, OF TEXAS
ANDREW CROSSON, OF TENNESSEE
EMILEE M. CUMMINGS, OF VIRGINIA
STEWART E. DAVIS, OF THE DISTRICT OF COLUMBIA
CARRIE A. DENVER, OF VIRGINIA
REBECCA DICKENS, OF MASSACHUSETTS
WILLIAM A. DIEFENBACH, OF VIRGINIA
AMANDA WICKHAM DIXON, OF TENNESSEE
COURTNEY ELIZABETH DOGGART, OF NEW YORK
DONYA S. ELDRIDGE, OF INDIANA
OMAR FAROOQ, OF VIRGINIA
JASON M. FLEMING, OF VIRGINIA
LISBETH L. FOUSE, OF MARYLAND
YAN GAO, OF MASSACHUSETTS
PHYLLIS GEORGE, OF VIRGINIA
JEFFREY GRIESSMANN, OF VIRGINIA
ANDREW GRILLOS, OF CALIFORNIA
JAMES WILLIAM HALLOCK, OF NEW YORK
JASON M. HAMMONTREE, OF NEW HAMPSHIRE
JEFFREY HANLEY, OF PENNSYLVANIA
VANESSA H. HARPER, OF CONNECTICUT
ERIN M. HART, OF VIRGINIA
MICHAEL D. HAUSER, OF FLORIDA
DAVID B. HEATON, OF VIRGINIA
ADAM G. HELLER, OF THE DISTRICT OF COLUMBIA
JUSTIN EDWARD HINTZEN, OF VIRGINIA
CHRISTIN HO, OF MASSACHUSETTS
JAMES WESLEY JEFFERS, OF WEST VIRGINIA
CHRISTOPHER A. JONES, OF VIRGINIA
ANDREA R. KALAN, OF TEXAS
RYAN WILLIAM KAY, OF CALIFORNIA
KAMILAH MARESSA KEITH, OF GEORGIA
UZMA FATIMAH KHAN, OF NORTH CAROLINA
JOHN M. KIPP, OF VIRGINIA
AHMED KOKON, OF NEW YORK
DEREK R. KOLB, OF CALIFORNIA
VALERIE A. LABOY, OF TEXAS
JESSE L. LASWELL, OF VIRGINIA
STEPHEN FROLING LECOMPTE, OF MARYLAND
KRISTINA LESZCZAK, OF OHIO
BONNIE M. MACE, OF IOWA
DANIELLE ANNE MANISCALCO, OF MASSACHUSETTS
MATTHEW J. MARCHANT, OF THE DISTRICT OF COLUMBIA
LYNNE MARTIN, OF VIRGINIA
ROYDEN MASCARENHAS, OF VIRGINIA
REBECCA E. MCCALL, OF VIRGINIA
FRISCO JOHNSON MCDONALD, OF ARKANSAS
DEBORAH M. MCFARLAND, OF VIRGINIA
MEGHAN E. MERCIER, OF FLORIDA
MEREDITH T. METZLER, OF TEXAS
MOLLY LYNN MITCHELL—OLDS, OF NORTH CAROLINA
JAIME LYNETTE MOODY, OF LOUISIANA
EVAN MORRISEY, OF WASHINGTON
JULIE NAUMAN, OF FLORIDA
ELIZABETH ANN NOLL, OF VIRGINIA
KRYSTLE WANITA ONIKE NORMAN, OF VIRGINIA
BRANDON RENÉ NUGENT, OF VIRGINIA
ANN PAABUS, OF THE DISTRICT OF COLUMBIA
JACK PAN, OF NEVADA
LEONARD K. PAYNE IV, OF VIRGINIA
MICHAEL PERIARD, OF VIRGINIA
MICHAEL POLYAK, OF MICHIGAN
ROBERT RADEMEYER, OF VIRGINIA
RENE MICHELLE RAGIN, OF NEW YORK
SHANKAR RAO, OF COLORADO
KEDENARD MADEILLE RAYMOND, OF MARYLAND
BRIAN OWEN ROBERTS, OF WEST VIRGINIA
TANIA J. ROMANOFF, OF MASSACHUSETTS
ARECA H'LAEL SAMPSON, OF CALIFORNIA
TIMOTHY L. SAVAGE, OF CALIFORNIA
BRIAN J. SAWICH, OF NEW HAMPSHIRE
ANDREW J. SCHEINESON, OF VIRGINIA
CHRIS SCISSORS, OF FLORIDA
ELIZABETH ELEANOR SHACKELFORD, OF MISSISSIPPI
SUJATA PRADEEP SHARMA, OF MASSACHUSETTS
JAMES JONAS SHEA, OF THE DISTRICT OF COLUMBIA
STEPHANIE SHORE, OF NEW YORK
THOMAS LAMAR SHREVE, OF VIRGINIA
TIMOTHY SHRIVER, OF IOWA
SHANE M. SIEVERS, OF MARYLAND
SILVIA FREYRE SPRING, OF THE DISTRICT OF COLUMBIA
ANDREW STAPLES, OF WASHINGTON
KRISTEN L. STOLT, OF VIRGINIA
FREDERICK STRUBER, OF VIRGINIA
GEORGE JAMES SULLIVAN, OF NEW YORK
THOMAS C. SUSMAN, OF VIRGINIA
SHAWN TENBRINK, OF OHIO
JAMES PORTER THROWER, OF FLORIDA
EVELINE W. TSENG, OF NEW YORK
AMY MICHELLE VALENTI, OF THE DISTRICT OF COLUMBIA
CHARLES F. VETTER, OF ILLINOIS
CYNTHIA H. WANG, OF CALIFORNIA
GEORGE BYRD PAGE WARD III, OF MARYLAND
RONALD P. WARD, OF FLORIDA

JASMINE N. WHITE, OF OHIO
MATTHEW D. YARRINGTON, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FRONTIS B. WIGGINS, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JUAN A. ALSACE, OF VIRGINIA
PAUL S. BEIGHLEY, OF FLORIDA
THOMAS F. GRAY, JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF AGRICULTURE

ALAN HALLMAN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

JESSICA LYNN ADAMS, OF OHIO
MARY E. ALEXANDER, OF TEXAS
ROBERT T. ALTER, OF OHIO
ROBERT E. ANDERSON, OF OREGON
GILLIAN R. APFEL, OF WASHINGTON
GREGORY D. AURIT, OF NEVADA
DAVID AVERY, OF NEW HAMPSHIRE
BRIAN THOMAS BEDELL, OF WISCONSIN
MONICA ALEXANDRA BODUSZYNSKI, OF CALIFORNIA
LISA ARUNEE BUZENAS, OF TEXAS
ERIC CARLO CAMUS, OF OREGON
TOM CARD, OF VIRGINIA
STEVEN WILLIAM CARROLL, OF CALIFORNIA
CHARLES C. CARSON, OF VIRGINIA
CHRISTOPHER RONALD CARVER, OF OREGON
LAURA E. CHAMBERLIN, OF NEW MEXICO
ANDREW H. CHOI, OF VIRGINIA
DANIEL Y. CHU, OF CALIFORNIA
DANIEL ROBERT CISEK, OF FLORIDA
NILES COLE, OF FLORIDA
STACY L. COMP, OF SOUTH DAKOTA
MARC STEVEN COOK, OF THE DISTRICT OF COLUMBIA
ALFONSO GONZALES CORTES, OF NEW YORK
JONATHAN JOEL CRAWFORD, OF INDIANA
JOHN EDWARD CRIPPEN, OF ARKANSAS
RAMONA S. CRIPPEN, OF ARKANSAS
MICHAEL ALBERT DASCHBACH, OF ARIZONA
SCOTT M. DRISKEL, OF VIRGINIA
CAROLYN R. DUBROVSKY, OF VIRGINIA
DAVID A. EPSTEIN, OF NEW YORK
AARON LEE FEIT, OF MICHIGAN
EMILY STEARNS FERTIK, OF MASSACHUSETTS
ANN CLEMENTI FLYNN, OF CALIFORNIA
EDWARD A. GALLAGHER, OF VIRGINIA
JAMES T. GALLAGHER, OF VIRGINIA
NICOLE E. GALLAGHER, OF MARYLAND
MICHELLE MARIE GALSTAUN, OF VIRGINIA
LAWRENCE H. GEMMELL, OF MAINE
LEAH GEORGE, OF NEW YORK
KRISTIN MICHELE GILMORE, OF CALIFORNIA
LEWIS GITTER, OF THE DISTRICT OF COLUMBIA
STEPHEN GLASER, OF CALIFORNIA
KRISTOFOR E. GRAF, OF TEXAS
MICHAEL D. GUINAN, OF VIRGINIA
REVA GUPTA, OF MARYLAND
REBECCA HAAS, OF PENNSYLVANIA
CAROLINE ADAIR HAMILTON, OF TEXAS
ROBERT W. HARELAND, OF NEVADA
KAREN E. HEIMSOTH, OF ILLINOIS
JUSTIN MATTHEW HEKEL, OF NEW YORK
ERIC D. HEYDEN, OF TENNESSEE
PAUL ALLEN HINSHAW, OF MISSISSIPPI
A. DIANE HOLCOMBE, OF FLORIDA
REBECCA KATHERINE HUNTER, OF FLORIDA
KAREEM N. JAMJOOM, OF MISSOURI
JAMES J. JAY, JR., OF ILLINOIS
RICHARD B. JOHNS, OF TEXAS
JENAE DENISE JOHNSON, OF VIRGINIA
NICOLE G. JOHNSON, OF WISCONSIN
ERIC A. JORDAN, OF KANSAS
STEVEN MARK KENOYER, OF CALIFORNIA
HESTER ANN KERKSIEK, OF TEXAS
KEELY ZWART KILBURG, OF VIRGINIA
SCOTT O. KOENIG, OF CALIFORNIA
DIANA LYNN KRAMER, OF ILLINOIS
LESLIE A. LINNEMEIER, OF VIRGINIA
TISHA R. LOEPER-VITI, OF THE DISTRICT OF COLUMBIA
CHARLES C. MARTIN, OF KENTUCKY
PAUL J. MARTINEK, OF FLORIDA
MCKENZIE A. MILANOWSKI, OF PENNSYLVANIA
NICOLE A. NUCELLI, OF VIRGINIA
ROBERT C. PALMER, OF CALIFORNIA
LAUREN ADKINS PERLAZA, OF VIRGINIA
MEGAN MARIE PHANEUF, OF MICHIGAN
ANTHONY V. PIRNOT, OF NEW YORK
MICHAEL H. QUINN, OF ALASKA
JAMIE WILLIAM RAVETZ, OF PENNSYLVANIA
MIRANDA RINALDI, OF OHIO
AARON JOHN RUPERT, OF OHIO
SARAH HANSEN RUPERT, OF VIRGINIA
ERIK MARTINUS RYAN, OF TEXAS
MANJU K. SADARANGANI, OF NEW YORK
MARCELYN ELIZABETH SANCHEZ, OF CALIFORNIA
THOMAS M. SCHMIDT, OF MISSOURI
WAYNE D. SCHMIDT, OF IDAHO
ANJALINA MIREILLE SEN, OF NEW YORK
DENISE SHEN, OF VIRGINIA
RICHARD ROSS SILVER, OF CALIFORNIA
JOAN RENÉE SINCLAIR, OF CALIFORNIA
DIANA MARIA SITT, OF CALIFORNIA
JIMMI NICOLE SOMMER, OF IDAHO
PAUL GLEN STAHLE, OF TEXAS
SARAH CLAIRE STEWART, OF ARIZONA
JENNIFER SKOUSEN SUDWEEKS, OF TEXAS
ELIZABETH A. SUNDAY, OF PENNSYLVANIA
HUGUETTE THORNTON, OF FLORIDA
BENJAMIN A. TIETZ, OF VIRGINIA
LAURA A. TILL, OF WASHINGTON
JAMES M.A. TIRA, OF KANSAS
MIRIAM E. TOKUMASU, OF WASHINGTON
NYREE ALYSE TRIPPTREE, OF GEORGIA
ARIEL REBECCA VAAGEN, OF TEXAS
CHRISTOPHER ALLEN VAN BEBBER, OF CALIFORNIA
ANGEL A. VENTLING, OF NEW YORK
VAIDA VIDUGIRIS, OF NEW YORK
KERRY M. WALD, OF CONNECTICUT
MATTHEW EARL WALL, OF ALABAMA
JENNIFER A. WHITE, OF THE DISTRICT OF COLUMBIA
DIANE WHITTEN, OF NEBRASKA
STEWART A S WIGHT, OF NEW YORK
TODD ANDREW WILDER, OF WASHINGTON
BRANDON WILSON, OF TEXAS
SUSAN ANDREA WILSON, OF VIRGINIA
DEBORAH WINTERS, OF NEW JERSEY
KIMBERLY E. WRIGHT-KING, OF NEW YORK
PETER YONGJIN YOON, OF VIRGINIA
SUZANNE MARIE YOUNTCHI, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

HAROLD H. BRAYMAN, JR., OF VIRGINIA
FLORENTINO J. GAI, OF VIRGINIA
CHRISTIAN P. HOBART, OF VIRGINIA
NICHOLAS A. LOVRIEN, OF MINNESOTA
RAFAEL A. PATINO, OF CALIFORNIA
KALPANA B. REDDY, OF MARYLAND
STEPHEN T. RIBAUDO, OF NEW YORK
EVERETT G. WAKAI, OF CALIFORNIA

DEPARTMENT OF STATE

DINA J. ABAA-OGLEY, OF CALIFORNIA
ANDREW PAUL ABBAN, OF VIRGINIA
LESLIE ABITZ, OF WISCONSIN
ANA VEYTIA ADLER, OF FLORIDA
ERIC L. ADLER, OF CALIFORNIA
MAROOF P. AHMED, OF FLORIDA
THOMAS ASH, OF TEXAS
ANDREW CORNELL AYERS, OF THE DISTRICT OF COLUMBIA
ANDREW C. BAKER, OF VIRGINIA
CHRISTOPHER I. BARNES, OF VIRGINIA
NAZANIN BERARPOUR, OF CALIFORNIA
JONATHAN MCCARTHY BEUTLER, OF CALIFORNIA
KIMLANG CHAN BISSONNETTE, OF VIRGINIA
ROBERT EDWARD BLAKESLEE, OF FLORIDA
JAMES R. BOOTERBAUGH, OF VIRGINIA
ELBERT MOYE BOYD III, OF THE DISTRICT OF COLUMBIA
JEANETTE BRACKETT, OF COLORADO
DUSTIN W. BRADSHAW, OF HAWAII
CHERONDA E. BRYAN, OF TEXAS
DAVID A. BUTLER, OF VIRGINIA
JAMES CERVEN, OF VIRGINIA
MEREDITH L. CHAMPLIN, OF VIRGINIA
ISABELLE CHAN, OF MINNESOTA
JACOB CHRIQUI, OF CALIFORNIA
ROY CLIFFORD CLARK, OF VIRGINIA
BRAD COLEY, OF TEXAS
EDWARD J. COX, OF OREGON
CORRIN R. COZAD, OF VIRGINIA
DAVID JUDE CUMMINGS, OF COLORADO
TABARI DOSSETT, OF CALIFORNIA
NAKASHIA CHERISE DUNNER, OF SOUTH CAROLINA
EVAN ELLIOTT, OF COLORADO
DANIEL EVENSEN, OF UTAH
DAVID CALDWELL EVERETT III, OF VIRGINIA
JOHN JOSEPH FARLEY, OF VIRGINIA
JEROME FIELDS, OF MINNESOTA
JOEL ALLEN FIFIELD, OF VIRGINIA
KENT DAVID FISHER, OF FLORIDA
SAMUEL N. FONTELA, OF VIRGINIA
BENJAMIN T. FORD, OF VIRGINIA
PATRICK SCOTT GAN, OF VIRGINIA
NICHOLAS GAZULIS, OF VIRGINIA
THOMAS MICHAEL GODDARD, OF MICHIGAN
ERIN GORDON, OF OHIO
MATTHEW S. GORDON, OF NEW JERSEY
DILLON MICHAEL GREEN, OF LOUISIANA
JOHN PATRICK GUERIN, OF VIRGINIA
KOFI GWIRA, OF NEW JERSEY
PETER D. HAGGERTY, OF THE DISTRICT OF COLUMBIA
JOHN RICHARD HALL, OF TEXAS
KATHLEEN E. HANLON, OF THE DISTRICT OF COLUMBIA
B. CAIN HARRELSON, JR., OF GEORGIA
JOHN REGINALD HARRIS, OF VIRGINIA
LARINA MARIE HELM, OF IDAHO
JOHN POWELL HESFORD, JR., OF VIRGINIA
EVA E. HOLM, OF WASHINGTON
AMBROSIA M. HOPKINS, OF VIRGINIA
JENNY H. HSU, OF TEXAS
BRENDAN CREAGH JAMES, OF FLORIDA
STEPHANIE ANGELA JENSBY, OF VIRGINIA
BRITT JONES, OF FLORIDA
MIN G. KANG, OF VIRGINIA
MICHELLE MARGOT KAYSER, OF VERMONT
JOSEPH C. KELLY, OF SOUTH CAROLINA
MAURA M. KENISTON, OF ALASKA
JOHN C. KNETTLES, OF WASHINGTON
ADAM KOTKIN, OF VIRGINIA
ALLISON MARIE KOWALSKI, OF VIRGINIA
ERIC KYANKO, OF VIRGINIA
NANCY ELIZABETH LAMANNA, OF CALIFORNIA
MARITA I. LAMB, OF PENNSYLVANIA
AUSTIN CAREY LAU, OF CALIFORNIA
YOUNG EUN LEE, OF NEW JERSEY
ERIC DARRYL LEKUS, OF VIRGINIA
JOSHUA P. LERNER, OF VIRGINIA
SHANNON LIBURD, OF NEW YORK
MY LU, OF CALIFORNIA
JOZANNE ML MALONEY, OF UTAH
KENNETH WAYNE MCBRIDE, OF MINNESOTA
KELLY RABELLO MCCALEB, OF VIRGINIA
PAUL A. MCDERMOTT, OF TEXAS
DEENA L. MCDORMAN, OF VIRGINIA
THOMAS B. MCDORMAN III, OF VIRGINIA
CHRISTOPHER K. MICKS, OF ILLINOIS
RYAN S. MILLER, OF OHIO
KIMITO MISHINA, OF VIRGINIA
HOMEYRA NAVEEN MOKHTARZADA, OF THE DISTRICT OF COLUMBIA
MEAGHAN C. MONFORT, OF OHIO
VI LUAT NHAN, OF WASHINGTON
JESSE SCOTT NOLTEN, OF THE DISTRICT OF COLUMBIA
SARAH LUNDQUIST NUUTINEN, OF TEXAS
SERGEY OLHOVSKY, OF NEW JERSEY
KATHERINE EARHART ORDOÑEZ, OF GEORGIA
ELIJAH ERNEST OWEN, OF VIRGINIA
MANUEL G. PABON, OF VIRGINIA
JASON LEE PARK, OF NEW JERSEY
MAREN E. PAYNE—HOLMES, OF VIRGINIA
ANDREW M. PELKEY, OF THE DISTRICT OF COLUMBIA
CARLOS D. PETERSEN, OF VIRGINIA
URFA QADRI, OF THE DISTRICT OF COLUMBIA
LAURA QUINN, OF NEW YORK
CATHERINE REIN, OF VIRGINIA
JOSANNE REYNOSO, OF VIRGINIA
AUSTIN RICHARDSON, OF COLORADO
BRIGID JULIA RYAN, OF MARYLAND
RAPHAEL SAMBOU, OF CALIFORNIA
FELIX PASTOR SANCHEZ, OF ILLINOIS
MICAH M. SAVIDGE, OF PENNSYLVANIA
GEORGINA M. SCARLATA, OF THE DISTRICT OF COLUMBIA
SOLMAZ SHARIFI, OF CALIFORNIA
ADAM SIGELMAN, OF MASSACHUSETTS
ADAM SILVER, OF NEW JERSEY
SETH SONNONSTINE, OF VIRGINIA
KERRI P. SPINDLER—RANTA, OF MASSACHUSETTS
RAJ SRIRAM, OF NEW YORK
KRISTIN STATHAM, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. STEINBERG, OF VIRGINIA
JACOB DARYL STEVENS, OF OREGON
MAXWELL H. STONEMAN, OF VIRGINIA
SCOTT JOSEPH STREF, OF VIRGINIA
WALLACE F. STURM III, OF THE DISTRICT OF COLUMBIA
JOHN C. SWEDA, OF VIRGINIA
MIA FRANCESCA TER HAAR, OF CALIFORNIA
CHRISTINA IRENE TILGHMAN, OF VIRGINIA
J. BARRETT TRAVIS, OF TEXAS
MATTHEW CARL UNDERWOOD, OF CALIFORNIA
ANDREEA D. URSU, OF NEW YORK
LEE BENJAMIN VANDUYN, OF THE DISTRICT OF COLUMBIA
JOHN H. VAN KAN, OF MARYLAND
DANIELLE SHENAE VARNELL, OF VIRGINIA
MELISSA D. VONHINKEN, OF VIRGINIA
JACQUELINE V. WALTON, OF VIRGINIA
NATHAN WEBBER, OF UTAH
JEREMY R. WISEMILLER, OF FLORIDA
ERIC R. WOLFE, OF VIRGINIA
TREVOR LEWIS WYSONG, OF MARYLAND
WON YOON, OF VIRGINIA
JAY J. ZAGURSKY, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 17, 2010:

DANIEL RUBINSTEIN, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

RICHARD G. SIMPSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

LLOYD S. HARBERT, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

DARYL A. BREHM, OF WISCONSIN

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant commander

DENISE J. GRUCCIO

PAUL W. KEMP
MICHAEL G. LEVINE
JEFFREY D. SHOUP
HECTOR L. CASANOVA
NICOLE M. MANNING
ERIC T. JOHNSON
AMANDA M. HANCOCK
NATASHA R. DAVIS
JOHN J. LOMNICKY
ERICH J. BOHABOY
LINDSAY R. KURELJA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY L. BAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CURT A. RAUHUT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. FLORA D. DARPINO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL JOSEPH L. CULVER
BRIGADIER GENERAL FRANCIS P. GONZALES
BRIGADIER GENERAL DAVID L. HARRIS
BRIGADIER GENERAL JAMES R. JOSEPH
BRIGADIER GENERAL JEFF W. MATHIS III
BRIGADIER GENERAL HENRY C. MCCANN
BRIGADIER GENERAL STEVEN N. WICKSTROM

To be brigadier general

COLONEL JAMES A. ADKINS
COLONEL DEBORAH A. ASHENHURST
COLONEL ELIZABETH D. AUSTIN
COLONEL LINDA C. BODE
COLONEL DARLENE M. GOFF
COLONEL SCOTT A. GRONEWOLD
COLONEL BRIAN C. HARRIS
COLONEL JAMES M. HARRIS
COLONEL SAMUEL L. HENRY
COLONEL JAY J. HOOPER
COLONEL KEITH E. KNOWLTON
COLONEL FRANCIS S. LAUDANO III
COLONEL RUSTY L. LINGENFELTER
COLONEL JUDD H. LYONS
COLONEL EUGENE L. MASCOLO
COLONEL MICHAEL W. MCHENRY
COLONEL KEVIN L. MCNEELY
COLONEL GLEN E. MOORE
COLONEL OLIVER L. NORRELL III
COLONEL WILLIAM J. O'NEILL
COLONEL VICTOR S. PEREZ
COLONEL HARVE T. ROMINE
COLONEL JOANNE F. SHERIDAN
COLONEL PAUL G. SMITH
COLONEL PETER C. VANAMBURGH
COLONEL KATHY J. WRIGHT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL RICKY G. ADAMS
BRIGADIER GENERAL BARBARANETTE T. BOLDEN
BRIGADIER GENERAL GLENN H. CURTIS
BRIGADIER GENERAL STEPHEN C. DABADIE
BRIGADIER GENERAL JONATHAN E. FARNHAM
BRIGADIER GENERAL LEODIS T. JENNINGS
BRIGADIER GENERAL SCOTT W. JOHNSON

To be brigadier general

COLONEL DOMINIC D. ARCHIBALD
COLONEL ARTHUR G. AUSTIN, JR.
COLONEL CRAIG A. BARGFREDE
COLONEL COURTNEY P. CARR
COLONEL JOEL D. CUSKER
COLONEL PATRICK J. DOLAN
COLONEL DAVID A. GALLOWAY
COLONEL SCOTT F. GEDLING
COLONEL KEVIN S. GERDES
COLONEL JUAN L. GRIEGO
COLONEL RALPH H. GROOVER III
COLONEL STEPHEN R. HOGAN
COLONEL DANIEL R. HOKANSON
COLONEL GARY E. HUFFMAN
COLONEL RUTH A. IRWIN
COLONEL STEPHEN E. JOYCE
COLONEL RICHARD F. KEENE
COLONEL TERRY A. LAMBERT
COLONEL DANIEL B. LEATHERMAN
COLONEL ELTON LEWIS
COLONEL TIMOTHY M. MCKEITHEN
COLONEL PAUL J. PENA
COLONEL MATTHEW T. QUINN
COLONEL DENISE T. ROONEY
COLONEL MARK A. RUSSO
COLONEL ORLANDO SALINAS
COLONEL BRYAN L. SAUCERMAN
COLONEL MICHAEL D. SCHWARTZ
COLONEL TIMOTHY L. SHEPPARD
COLONEL REX A. SPITLER
COLONEL DONALD B. TATUM
COLONEL JAMES E. TAYLOR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 156:

To be rear admiral (lower half)

CAPT. JAMES W. CRAWFORD III

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOSEPH T. FETSCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SUZANNE M. HENDERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHARLES R. CORNELISSE
DONDI E. COSTIN
DAVID M. FITZPATRICK
GERALD D. MCMANUS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ENEYA H. MULAGHA

To be major

RAMONA R. HUNT
DWIGHT L. JOHNSON
JORGE A. LALOMASANCHEZ
JOHN M. OHARGAN
JENNY P. SPAHR
CLAUDIA P. ZIMMERMANN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LENA R. HASKELL
EDWIN N. JUSINO
STEVEN D. KIEFFER
GREGORY T. MACDONALD
THOMAS P. MARTIN, JR.
JOSEPH M. PAYNER
JOHN W. ROYAL
WILLIAM A. SOBLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID LEWIS BUTTRICK
ALAN CHOUEST
HENRY E. CLOSE III
CALVIN D. DIXON
CLYDE DYSON
THOMAS J. ELBERT, JR.
RANDALL W. ERWIN
RICHARD FITZGERALD
BRYAN S. HOCHHALTER
JOHN P. KENYON
BOYD C. SHORT, JR.
JOHN F. TILLERY
ROBERT D. WARD
THEADORE L. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RANDON H. DRAPER
STEVEN DOUGLAS DUBRISKE
SCOTT T. ECTON
NORINE PATRICI FITZSIMMONS
DEREK IVAN GRIMES
JOHN EUGENE HARTSELL
PATRICIA A. MCHUGH
MARK W. MILAM
WILLIAM C. MULDOON, JR.
CHARLES L. PLUMMER
MARLESA K. SCOTT
PETER W. TELLER
JERRY A. VILLARREAL
ANDREW S. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JANELLE E. COSTA
PAUL R. GARDETTO
JEFFREY C. GILLEN
FRANK A. GLENN
DAVID A. HAMMIEL
JEFFERY A. JOHNSON
MICHAEL T. KINDT
SUBRINA V. S. LINSCOMB
JAMES A. MULLINS
KATHERINE S. REARDEN
HANS V. RITSCHARD
CHRISTOPHER S. ROBINSON
JOSEPH S. ROGERS
JILL R. SCHECKEL
JOSEPH G. WEAVER
JEROME E. WIZDA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARTIN D. ADAMSON
JAMES B. ANDERSON
MARTIN R. BOOTH
ROBERT E. BORGER
WILLIAM J. BRASWELL
BRIAN K. CLOUSE
GARY A. COBURN
DARREN B. DUNCAN
ELBERT A. FADALLAN
LANCE K. GIANNONE
DAVID B. KRUSE
MARSHALL E. MACCLELLAN
SHAWN L. MENCHION
ROBERT J. MONAGLE
ERIK W. NELSON
RONALD R. RAGON
STEVEN R. RICHARDSON
JOHN G. SACKETT
HERBERT C. SHAO
JOHN MARION VON ALMEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM J. ANNEXSTAD
LAURA S. BARCHICK
MICHAEL A. BLACKBURN
CHRISTOPHER A. BROWN
CHAD C. CARTER
MICHAEL JOHN COCO
W. SHANE COHEN
PAUL R. CONNOLLY
ERIK C. COYNE
PAUL E. CRONIN
GRADY A. CROOKS
THOMAS H. DOBBS
JOEL F. ENGLAND
GREGORY J. FIKE
JIN HWA LEE FRAZIER
GLEN L. FUNKHOUSER, JR.
REBECCA MINA GAWARAN
PAULA M. GRANT
KENNETH L. HOBBS
JOHN J. HOPKINS III
DEBORAH L. HOUCHINS
CONRAD L. HUYGEN
JENNIFER C. HYZER
DARRIN K. JOHNS
JUDY L. KING
CHRISTINE A. LAMONT
TERESA G. LOVE
JENNIFER A. MACEDA
JAMES J. MARSH
TERRENCE J. MCCOLLOM
HEIDI L. OSTERHOUT
JEFFREY G. PALOMINO
TODD W. PENNINGTON
JULIE L. PITVOREC
ANDREA K. RFERRULLI
DALE A. RIEDEL
JULIE L. RUTHERFORD
MICHAEL W. SAFKO
CHRISTOPHER TAYLOR SMITH
RONALD L. SPENCER, JR.
JUSTIN H. TRUMBO
MARVIN WARREN TUBBS II
DAVID E. VERCELLONE
STACEY J. VETTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN J. ALBRECHT
JOHANNA A. ASTLE
CHRISTOPHER JAMES BAKER
BRIAN V. BANAS
JEFFREY T. BILLER
OWEN B. BISHOP
KELLYANN H. BOEHM
MICHAEL C. BREAKFIELD
CHRISTOPHER S. BROWNWELL
KEVIN G. BURKE
MICHAEL P. CARRUTHERS
CHRISTOPHER D. CAZARES
JACQUELYN M. CHRISTILLES
DAVID ANTHONY COGGIN, JR.
ANTHONY M. DAMIANI
DANIEL L. DEAN
JEREMY D. DEROXAS
BRADFORD M. DEVOE
AARON M. DRAKE
MATTHEW E. DUNHAM

CHRISTOPHER A. EASON
LOUIS D. ELDREDGE, JR.
DARIN C. FAWCETT
DAVID E. FEITH
NEAL B. FRAZIER
RICHARD G. FREUDENBERG
JOSHUA A. GOINS
LAURA L. HANSEN
ERICA L. HARRIS
JEREMY H. HARRIS
CHARLES HASBERRY, JR.
JARED N. HAWKINS
ELIZABETH MARIE HERNANDEZ
RYAN D. HILTON
MEGLENA I. HRISTOV
GEORGE O. IWU
SHAROIHA P. K. JAMESON
SCOTT C. JANSEN
ALLAN L. JUNGELS
PETER SEAN KEZAR
STEVEN G. KOESTER
PHILLIP T. KORMAN
JOSEPH J. KUBLER
RHEA ANN LAGANO
ERIN T. X. LAI
BRETT A. LANDRY
DUSTIN C. LANE
LARISSA N. LANIGAR
JAMES R. LISHER II
RICHARD W. LITTLEFIELD
DANIEL C. MAMBER
WESLEY E. MCCONNELL
SHAYLA L. MCNEILL
SHELLY STOKES MCNULTY
GLEN R. MILLER
JULIA J. MUEDEKING
NICOLE M. NAVIN
NINA R. PADALINO
KYLE A. PAYNE
GABRIEL DAVIS PEDRICK
KARIN B. PEELING
JENNIFER E. POWELL
MICHAEL T. RAKOWSKI
JAMES M. REED
AMANDA SEIDEL ROCKERS
DEREK A. ROWE
RENEE DIANE SALZMANN
HEATHER L. SCHERBA
DANIEL E. SCHOENI
JACOB S. SIMPSON
LANCE R. SMITH
LEAH M. SPRECHER
ROBERT D. STUART
MATTHEW D. TALCOTT
CHRISTOPHER CARL THOMPSON
MICHAEL L. TOOMER
DANIEL P. TULL
GRANT TIMOTHY WAHLQUIST
JOHN B. WARNOCK
PILAR G. WENNRICH
BRIAN A. YOUNG
GABRIEL MATTHEW YOUNG

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT C. DORMAN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID A. NIEMIEC

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WILLIAM L. VANASSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GEORGE A. CARPENTER

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SUSAN A. CASTORINA

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THERESA C. COWGER
MARIE N. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PAULA S. OLIVER

To be major

GARY D. RIGGS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOSEPH C. CARVER

To be major

DEBORAH AARON
HARRY E. CARTER
GARY L. PAULSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN E. JOHNSON II

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ANDREW S. DREIER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

KEVIN D. ELLSON

To be major

BRETT A. AYVAZIAN
KEIDA L. MASSEY-MURRAY
JULIE A. MAXWELL
STEVEN J. OLSON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PHILLIP R. GLICK
RAY D. KELLEY
CHARLES D. LAWHORN
PAUL D. MCALLISTER
RONALD N. MCKAY
FRANK M. RICE
KENNETH G. ROSADO
SCOTT A. STSAUVER
WILLIAM G. SUVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEVIN ACOSTA
BJORN E. ANDERSON
BRYAN L. BAIN
JONATHAN D. BEARD
PATRICK BOND
PATRICK O. BRILEY
JAMES E. CLEMONTS, JR.
PAUL B. CONNOR
GARY H. DAVIS
RICHARD L. DUBREUIL
PETER H. EVANS
STEWART R. FEARON
KENNETH J. FIELDS
EDELMIRO FONSECA
JEFFREY C. GARROTT
JIMMY E. HALL
QUINCY V. HANDY
ROBERT D. HARTER
JOHN B. HASHEM
JAMES M. HEARLEY
MONA R. HENRYBENNETT
ANNIE JACKSON
ROY M. JEWELL
GARY E. KAYSER
KENNETH E. KOPS
HUBERT H. KWON
ROBERT W. LEVALLEY
ROGER LINTZ
WARD E. LITZENBERG
DENISE L. LORING
RANELLE A. MANAOIS
ANGELA S. MCCARGO
SHERRY MCCLOUD
GORDON T. MCMILLAN
PHILLIP T. MICKLES
SEAN F. MULCAHEY
STEVEN W. NOTT
BARBARA L. OWENS
MICHAEL J. PAPPAS
ERNEST T. PARKER
ROBERT J. RICHTMYRE
ALBERTO RIVERA
JOSEPH K. ROBERTS
ADAM S. ROTH
JEFFREY C. SCHMIDTMAN
VIRVITINE SHARPE
PAUL G. SHELTON
VINCENT T. SIMMONS
RHONDA D. SMILLIE
BRIAN N. SMITH
PENELOPE H. SPEED
WILLIAM M. STEINKIRCHNER
JAMES B. STEPHENSON
BRIAN R. TACHIAS
RICHARD P. TAKISHITA
RICK W. TAYLOR
KURT F. WAGNER
WANDA J. WALKER
TODD R. WELSCH
ROBERT O. WILEY
MARC S. WILSON
ROBERT K. YIM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARY E. ABRAMS
ALFRED F. ABRAMSON III
SKIP ADAMS
STEVEN L. ALLEN
DELMAR G. ANDERSON
JOE E. ARNOLD, JR.
ROBERT E. BACKMAN
WILLIAM J. BAILEY
MICHAEL T. BARKETT
ROBERT L. BARNES, JR.
SAMUEL C. BLANTON III
TIMOTHY J. BOEMECKE
ROBERT D. BREM
ANTONIO BROWN
HAROLD A. BUHL, JR.
JAMES D. BURDICK
JAMES K. CHOUNG
CHARLES COBBS III
RAYMOND K. COMPTON
JOHN P. CONWAY
JOSEPH R. CORLETO
DENNIS V. CRUMLEY
ROBERT W. CURRAN
PATRICK J. DAILEY
KIMBERLY J. DAUB
GERALD R. DAVIS, JR.
JENNY W. DAVIS
CHARLES P. DEASE
JAMES P. DELANEY
SHEILA C. DENHAM
JOSEPH P. DUPONT
DAVID C. DUSTERHOFF
RICHARD A. ELLIS
MATTHEW J. FERGUSON
HEATHER L. GARRETT
HOLLY A. GAY
ELUYN GINES
GORDON L. GRAHAM
DAVID W. GRAUEL
PETER M. HAAS
DWAYNE A. HARRIS
JOE L. HART, JR.
ROBERT L. HATCHER, JR.
DAVID A. HATER
RANDOLPH G. HAUFE
TIMOTHY J. HOLTAN
KENNETH R. HOOK
TERRENCE L. HOWARD
TONIE D. JACKSON, SR.
JAYNE V. JANSEN
JENNIFER L. JENSEN
CURTIS A. JOHNSON
JOHN W. JONES
DAVID M. KACZMARSKI
JAMES E. KAZMIERCZAK
MARK B. KELLY
JAMES L. KENNEDY, JR.
ROBERT E. KING
LEONA C. KNIGHT
GREGORY W. KOLLER
WILLIAM M. KRAHLING
JOHN D. KUENZLI
JOSEPH E. LADNER
ROBERT J. LEHMAN
THEODORE M. LENNON
VINCENT F. MALONE II
JOHN C. MATTHEWS
KEVIN M. MCKENNA
SEAN P. MCKENNEY
BRUCE B. MCPEAK
MANUEL C. MENO, JR.
STEPHEN T. MILTON
JAMES S. MOORE, JR.
ROBERT F. MORTLOCK
BERNARD L. MOXLEY, JR.
MARTY L. MUCHOW
THOMAS P. MURPHY
MICHAEL P. NAUGHTON
CHARLES E. NEWBEGIN
MICHAEL W. NEWELL
GERALD NIXON
KYLE P. NORDMEYER
BENJAMIN M. NUTT
ANGELA M. ODOM
MARK A. PAGET
BRIAN A. PATTERSON
WILLIAM C. RAMSEY
SCOTT J. RAUER
MATTHEW D. REDDING
ERIC T. REINKOBER
JON K. RICKEY
JAMES S. ROMERO
JAMES A. RUPKALVIS
SAMUEL L. RUSSELL
THOMAS J. SEELIG
THOMAS W. SEIFERT
MARK C. SHADE
EUGENE SHEARER
SETH L. SHERWOOD

JOHN P. SILVERSTEIN
SARA V. SIMMONS
MICHAEL E. SLOANE
SPENCER L. SMITH
NANCY SPENCER
GEOFFREY D. STEVENS
DOUGLAS F. STITT
TIMOTHY J. STRANGE
KEITH J. SYLVIA
MICHAEL J. THURSTON
JAMES H. UTLEY II
GORDON T. WALLACE
KENNETH D. WATSON
DARREN L. WERNER
BRADLEY A. WHITE
INES N. WHITE
ANTHONY K. WHITSON
DERRIN E. WILLIAMS
DAVID WILSON
ALAN D. WOODARD
MICHAEL A. WRIGHT
WILLIAM R. WYGAL
MARTIN A. ZYBURA
D010093
D001470
D002043

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY P. ALBERS
PATRICK S. ANDERSON
LYNETTE M. ARNHART
CHRISTOPHER D. BAKER
ROBERT S. BARKER
JOHN C. BASKERVILLE
KIRKLIN J. BATEMAN
JONATHAN R. BATTLE
CARLOS G. BERRIOS
SHELLEY A. BERRYHODNE
MARIA A. BIANK
JAMES P. BIENLIEN
RALPH T. BLACKBURN
EDWARD M. BONFOEY III
JOHN E. BOX
STEVEN D. BRETON
DARIN L. BROCKINGTON
GREGORY J. BROECKER
MICHAEL I. BROWNFIELD
JAMES J. BRUHA
SUSAN F. BRYANT
JENNIFER G. BUCKNER
JOHN J. BURBANK
ANTHONY P. BURGESS
BICHSON BUSH
LEO P. BUZZERIO
BRYAN K. CHAPMAN
JAY K. CHAPMAN
JAMES F. CHAPPLE
JOHN A. CONWAY
PAUL J. COOK
RICARDO CRISTOBAL
BENJAMIN D. CROCKETT
PHILLIP R. CUCCIA
PATRICK L. DANIEL, JR.
CHARLES E. DAVIS
DAVID W. DETATA
DAVID W. DINGER
JAMES A. DONNELLY
MICHAEL E. DONNELLY
JOSEPH J. DWORACZYK
GRANT EDWARDS
MARK B. ELFENDAHL
STEPHEN A. ELLE
KRISTIN A. ELLIS
NELSON L. EMMONS, JR.
JOSE A. ESPINOSA
DERRICK B. FARMER
WADE A. FOOTE
PETER C. FOWLER
ALFRED E. FRANCIS
PAUL H. FREDENBURGH
MICHAEL G. FREIBURGER
NORMAN H. FUSS III
BRYANT D. GLANDO
JOHN C. GOETZ II
JOHN M. GRAHAM, JR.
JOHN G. GREAVES
CHARLES E. GRINDLE
LEE K. GRUBBS
TERRY A. GUILD
ANTHONY R. HALE
JOSEPH G. HALISKY
PATRICK D. HALL
JOSEPH P. HANUS
WILLIAM T. HARMON
HUGHIE B. HARRIS
JOHN M. HAYNICZ
CHRISTOPHER V. HERNDON
MARK A. HINDS
DAVID HUDAK
PETER S. IM
JEROME W. JACKSON III
GREGORY M. JAKSEC
JOHN R. JONES
WILLIAM D. JONES III
MARK M. KARAS
TODD E. KEY
DAVID T. KIM
JOHN S. KIM
ROBERT S. KIMBROUGH
MARK E. KJORNESS
HEINO KLINCK
ERNEST C. LEE
LELAND A. LIEBE
STEWART W. LILES
HOWARD Y. LIM
NORMAN P. LITTERINI
ARTUR M. LOUREIRO
CHRIS L. LUKASEVICH
KRISTIAN M. MARKS
STEVEN M. MARROCCO
BRIAN R. MCCULLOUGH
CHAD A. MCGOUGAN
RYAN P. MCMULLEN
DANIEL C. MILLER
RALPH E. MILLER
BRADLEY K. MITCHELL
JONATHON R. MOELTER
RICHARD M. MONNARD
ARMIDA MONTEMAYOR
DANIEL L. MORRIS
JOHN C. NELSON
SUZANNE C. NIELSEN
SHAWN M. NILIUS
MAUREEN J. OCONNOR
DOUGLAS J. ORSI
TROY D. OTTO
DONOVAN D. PHILLIPS
DIRK E. PLANTE
BENNIE J. POKEMIRE
EDWARD T. POWERS
EDWARD C. PREM
CHRISTOPHER N. PRIGGE
KENNETH A. RECTOR
LARRY J. REDMON
STEVEN D. REHN
BRETT E. REISTER
CHARLES C. RIMBEY
GLORIA A. RINCON
RENE R. RODRIGUEZ
PAUL H. ROSS
JOSEPH F. ROYBAL
TODD C. RUNYON
THOMAS G. RYAN
MARK A. SCHREIBER
RICHARD A. SCHUENEMAN
MATTHEW B. SCHWAB
LISA A. SHAY
DANIEL M. SHRIMPTON
EUGENE SIMON
ALICIA G. SMITH
PHILIP W. STANLEY
CLAIRE E. STEELE
MICHAEL P. STONEHAM
MICHAEL D. STROZIER
FERN O. SUMPTER
JONATHAN E. SWEET
WILEY C. THOMPSON
DAVID C. TRYBULA
JOHN C. ULRICH
LAURA R. VARHOLA
PAUL R. WALTER
CHRISTOPHER P. WATKINS
CHARLES J. WATSON
ANDREW J. WEATE
THOMAS M. WEAVER
PAUL L. WEBBER
WILBURN C. WILLIAMS, JR.
GEORGE D. WINGFIELD
WILLIAM T. WINKLBAUER
GREGORY S. WINSTON
WADE S. YAMADA
DANIEL E. ZALEWSKI
DARRELL H. ZEMITIS
G001330
G001187

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ELLEN J. ABBOTT
MAHER M. ABED
WILLIAM R. ALDRIDGE
MYLES E. ALTIMUS
DUNCAN D. AUKLAND
TOMMY H. BAKER
JAMES A. BELASKI
EMMANUEL BELT
RAYMOND M. BILY, JR.
PAUL N. BIRD, JR.
ANDREW T. BLAIR
SCOTT J. BOESPFLUG
JOSE R. BORIACRUZ
DAVID J. BRADY
STEVEN A. BRAGORGOS
TIMOTHY D. BRANDT
JEFFERY L. BROWN
TODD D. BROWN
WILLIAM K. BROWN
CHARLES B. BUNTIN
JOHN H. BURKE
CHRISTOPHER M. BURNS
JOHN H. CAMPBELL
JOHN K. CAPELLO
RITA B. CASEY
DANIEL R. CATON
RONALD G. CHEW
GARY T. CHRISTIANSON
ROBERT J. CHURCH
ALBERT J. COLE
EDAM N. COLON
IRIS D. COLONRIVERA
FRANK A. CORNELIO
WILLIAM S. CROSSEN
ROBERT J. DAMBRINO III
SAMUEL J. DARWIN
JOHN M. DAVIS
STEVEN A. DAVIS
GREGORY V. DEBERNARD
CARLA H. DECKER
ENRIQUE M. DELAPAZ
TOMAS DELEON
ROBERT A. DERMANN
DAMIAN T. DONAHOE
LEONARD H. DYER, JR.
DWAYNE P. ECKMAN
JEFFERY R. EDGE
BARBARA J. ELMER
TONY L. FERGUSON
EARL W. FLANAGAN
KENNETH J. FORAND
CARL L. FRANKS, JR.
EMMA A. FRISTOE
TIMOTHY G. GARDNER
DOMENICK A. GARZONE
TIMOTHY A. GLYNN
ANTONIO R. GONZALEZ
MICHAEL R. GONZALEZ
EUGENE T. GORMLEY
ROMMEL A. GUERRERO
SANTOS GUZMAN
THOMAS E. HAIDET
ANTHONY L. HALL
DARCIE D. HANDT
JAMES B. HARDY
GREGORY H. HARGETT
JOE D. HARGETT
ROBERT A. HEDGEPETH
DONNA J. HENDERSON
ALBERTO M. HIGUERA
MICHAEL HOGUE
RANDALL F. HOLBROOK
RUSSELL W. HOWE
ROBERT M. HOWLAND
JONATHAN S. HUBBARD
MARVIN T. HUNT
DANIEL J. IVERSON
KELLY S. JACKSON
RUFUS D. JARRIEL
AARON C. JOHNSON
ANTHONY W. JOHNSON
JEFFREY P. JOHNSON
JOHN M. JOHNSTON
DAVID L. JONES
PAUL T. KASTNER
CLARENCE S. KELLY, JR.
DAVID R. KELLY
JOHN T. KELLY
PETER Y. KIM
STEVEN T. KING
JAMES S. KLAUBER
STEVEN K. KNUTZEN
WILLIE A. KYLES
HALDANE B. LAMBERTON
PAUL M. LANDRY
DONALD P. LAUCIRICA
JAVIER LAZARO
FREDERICK A. LEINWEBER
JANE M. LENGEL
GEORGE A. LEONE
STEVEN A. LEWIS
DEANNE E. LINS
ANITA E. LONG
ROBERT A. MAGNANINI
MITCHELL G. MALONE
FREDERICK J. MARLAR
RICHARD P. MARTIN
CARLOS R. MARTINEZ
MICHAEL G. MARTINEZ
KENNETH L. MCCREARY
JAMES P. MCFADDEN
BERNARD H. MCLAUGHLIN, JR.
DAVID R. MEAKINS
FRANTZ MICHEL
THOMAS J. MILLER
PAMELA P. MOODY
CHARLES W. MOORE
MARILYN A. MOORES
MARYBET MORCIGLIO
ADRIAN M. NAGEL
MARTY R. NICHOLS
JAMES S. NIUMATALOLO
JAMES A. NORTH
MICHAEL H. NOYES
PATRICK J. NUGENT
ROBERT K. OCONNOR
BRIAN C. OLSON
VINCENT D. ONEILL
GERVASIO ORTIZLOPEZ
HOLLY A. OTTESEN
JOAQUIN S. PANGELINAN
ANDREW C. PAVORD
MARK W. PETERSEN
MICHAEL S. PIAZZONI
GREGORY A. PICKELL
MARK A. PITERSKI
KEVIN L. PLAGMAN
RICHARD P. POOLE
MARK A. PRESTON
TERRY C. QUIST
GEORGE M. RAND
FRANCIS T. RILEY
JOSE A. RIVERAHERNAIZ
CLARK R. ROBERTS
CHARLYNN V. SAGUID
GREGORY S. SALISBURY
FRANK A. SANTORE, JR.
VERNON L. SCARBROUGH, JR.
DAVID A. SCHALL
RANDALL J. SCOTT
SHARON S. SCOTTI
TIMOTHY J. SENECAUT
JOHN F. SHEARD
BRIAN E. SHERIDAN
SHARON R. SIMS
JAMES L. SISSON

DAVID A. SKALICKY
WILLIAM B. SMITH, JR.
MATTHEW O. SNYDER
JEFF D. SORACCO
SPYROS L. SPANOS
MATTHEW P. SPRENGER
JEFFREY T. SQUIRES
MICHAEL A. STACEY
DOUGLAS E. STALL
ANDREW M. STEWART
STEVEN E. STIVERS
RONALD E. STRAHLE
DREW P. SULLINS
STEPHEN G. SWEET
TIMOTHY J. SYMONDS
ROBERT A. TAMPLET
JOHN B. TANNEHILL
JOHN F. TAYLOR, JR.
DEREK J. TOLMAN
MARK A. TOLZMANN
MARK A. VANDYKE
COURTNEY B. VARESLUM
NELSON R. VELEZ
TIMOTHY K. WALKER
DALE T. WALTMAN
ALMA E. WATKINS
RAYMOND V. WATTS
DAVID B. WEISNICHT
BILL G. WELCHER
RICKEY L. WEST
LARRY A. WHEELER
GALEN D. WHITE
MYLES T. WILLIAMS
JOHN T. WILTSE
MICHAEL E. WINKLER
GLENN C. WIRTH
DAVID E. WOOD
MICHAEL W. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN C. ALLRED
SCOTT R. ALPETER
EDWARD J. AMATO
JEFFERY A. ANDERSON
MATTHEW R. ANDERSON
QUINTON J. ARNOLD
ROBERT L. BAILES
HUGH D. BAIR
GREGORY BENDEWALD
WILLIAM E. BENSON
NICHOLAS O. BERNHARDT
MARK D. BIEGER
JOHN E. BIRCHER IV
CAROLYN S. BIRCHFIELD
JIMMY F. BLACKMON
SCOTT R. BLEICHWEHL
SHANNON L. BOEHM
JOHN V. BOGDAN
DOUGLAS A. BOLTUC
JEFFERY D. BROADWATER
WILLIAM T. BROOKS
JAMES A. BRYANT
TIMOTHY W. BUSH
THOMAS H. BYRD
MATTHEW R. CARRAN
KENNETH R. CASEY
DAVID L. CHASE
PATRICK A. CLARK
DAVID R. CLONTS
DARIN S. CONKRIGHT
TERRY P. COOK
REGINALD W. COTTON
CLEMENT S. COWARD, JR.
CHARLES J. DALCOURT, JR.
MICHAEL N. DAVEY
FRANCIS J. DAVIDSON
JOSEPH D. DAVIDSON
THOMAS A. DAVIS
BRANDT H. DECK
CHRISTOPHER DELAROSA
ANTHONY G. DEMARTINO
MARK J. DESCHENES
MARIO A. DIAZ
ANTHONY C. DILL
ROBERT N. DILLON
ALAN M. DODD
IGNATIUS M. DOLATA, JR.
JOHN F. DUNLEAVY
MICHAEL R. EASTMAN
MATTHEW G. ELLEDGE
NATHANIEL W. FARMER
DAVID S. FLECKENSTEIN
MICHAEL J. FORSYTH
ROBERT A. FORTE
MICHAEL L. FOSTER
DAVID J. FRANCIS
GEORGE L. FREDRICK
MICHAEL P. GABEL
JESSE D. GALVAN
CHRISTOPHER C. GARVER
WILLIAM A. GEIGER
GEORGE A. GLAZE
STUART P. GOLDSMITH
STEPHEN J. GREEN
RICHARD G. GREENE, JR.
JOHN H. GREENMYER III
KEVIN F. GREGORY
JOHN P. GRIMES
ERIC D. HANDY
ROBERT M. HANLEY
RANDALL L. HARRIS
KENNETH A. HAWLEY
RANDALL I. HAWS
TIMOTHY P. HEALY
TAMMY A. HEATH
SCOTT W. HEINTZELMAN
KEVIN D. HENDRICKS
MATTHEW S. HERGENROEDER
DARYLE J. HERNANDEZ
KEVIN C. HICKS
JAMES M. HIGGINS
STEVEN L. HITE
HORACE C. HODGES
DIANA M. HOLLAND
CLAUDE E. HOUSE
MIGUEL D. HOWE
DANIEL S. HURLBUT
HEYWARD G. HUTSON
PATRICK J. HYNES
TERRY A. IVESTER
MARK A. JACKSON
BRETT C. JENKINSON
GREGORY R. JICHA
CHRISTOPHER B. JOHNSON
OMAR J. JONES IV
ROBERT A. JONES
JOSEPH R. JORDAN
MATTHEW G. KARRES
CHRISTIAN M. KARSNER
NICHOLAS W. KATERS
VALERY C. KEAVENY, JR.
TIMOTHY F. KEHOE
ROBERT L. KELLEY, JR.
DANIEL J. KING
MARK S. KNERAM
GARY M. KOLB
TROY D. KRINGS
CHRISTIAN T. KUBIK
KIMBERLY S. KUHN
JOHN R. LAKSO
JOHN K. LANGE
BRUCE E. LEAHY
KYLE E. LEAR
SIOBAN J. LEDWITH
DAVID A. LESPERANCE
CHRISTOPHER LESTOCHI
JOHN F. LIGHTNER
BERNARD R. LINDSTROM
LAURENCE C. LOBDELL
MICHAEL R. LWIN
ROBERT W. LYONS
THOMAS H. MACKEY
MICHAEL J. MAMMAY
JAMES C. MARKERT
DAVID A. MARKOWSKI
THOMAS S. MATSEL
BENJAMIN M. MATTHEWS
JIMMY L. MCCONICO
BERRIEN T. MCCUTCHEN, JR.
GEORGE R. MCDONALD
JOSEPH S. MCLAMB
RONALD W. MCNAMARA
WILLIAM E. MCRAE
CORY A. MENDENHALL
ROBERT L. MENTI
GENE D. MEREDITH
JAMES D. MILLER
MARK A. MILLER
MATTHEW C. MINGUS
STEVEN M. MISKA
KEVIN J. MOFFETT
RICARDO O. MORALES
MICHAEL T. MORRISSEY
SEAN F. MULLEN
DAVID L. MUSGRAVE
ANDREW C. MUTTER
JONATHAN T. NEUMANN
FREDERICK M. ODONNELL
PAUL B. OLSEN
THOMAS W. OSTEEN
PAUL E. OWEN
RICHARD P. PANNELL
STEVEN L. PARKER
LEON F. PARROTT
DENNIS N. PASTORE
MICHAEL S. PATTON
LARRY D. PERINO
SCOTT A. PETERSEN
JOHN P. PETKOSEK
SALVATORE J. PETROVIA
GEORGE S. PITT
BILLINGSLEY G. POGUE III
JOHN S. PRAIRIE
LOUIS B. RAGO II
MITCHELL L. RAMBIN
JAMES F. RECKARD III
JOHN W. REYNOLDS II
JOHN B. RICHARDSON IV
WARLINE S. RICHARDSON
WILLIAM S. RIGGS
PATRICK B. ROBERSON
GARY A. ROSENBERG
DEREK R. ROUNTREE
DAVID J. RUDE
WALTER T. RUGEN
DAVID E. SALTER
JEFFREY M. SANBORN
FRANK N. SANDERS
GEORGE H. SARABIA
PAUL S. SARAT, JR.
ERIC E. SCHWEGLER
JOHN M. SCOTT
TORY L. SCOTT
BURTON K. SHIELDS
MICHAEL S. SHROUT
JOHN W. SILKMAN
MICHAEL D. SIMLEY
DENNIS C. SMITH
KENT B. SOEBBING
MARK W. SOLOMON
BENJAMIN O. SOLUM
KELLY C. SPILLANE
RICHARD D. SPRINGETT
JOHN P. STACK, JR.
THOMAS H. STAUSS
ROBERT T. STEIN
DONALD P. TAYLOR, JR.
MICHAEL T. TETU
RICHARD THEWES, JR.
MICHAEL R. THOMAS
TOMMY G. THOMPSON
PAUL D. TOUCHETTE
MICHAEL F. TRONOLONE, JR.
KEVIN A. VIZZARRI
JOHN G. VOORHEES, JR.
DONALD L. WALKER
GLENN A. WATERS
DALE E. WATSON
TIMOTHY F. WATSON
ARTHUR G. WEEKS
DEAN M. WEILER
JOHN C. WHITE
SAMUEL E. WHITEHURST
ROBERT F. WHITTLE, JR.
RICHARD A. WILSON
WILLIAM S. WOZNIAK
DARRON L. WRIGHT
PAUL L. YINGLING
LOUIS A. ZEISMAN
D001776
D001129
D010582
D004397
D002934
D005048
D001821

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C, SECTION 12203:

To be colonel

JOHN W. AARSEN
CAROLINE L. ABSHIER
HOLTORF R. ALONSO
THOMAS M. ANDREJCAK
RICHARD H. ANTONISSE
TREVOR A. AUSTIN
RONALD A. BACON
HENRY J. BANKER
MICHAEL J. BARCOMB
VINCENT B. BARKER
DAVID M. BARNETT
DAVID C. BARRETT
DALE H. BARTLETT
RODNEY S. BERRY
RUSSELL H. BITTLE, JR.
JAMES A. BLANKENHORN
GLENN L. BLONDIN
ROBERT S. BOBINSKI
TIMOTHY P. BOBROSKI
BARRY C. BORT
KATHLEEN S. BURR
OTTO A. BUSHER III
DONALD W. CANADAY
SEAN J. CANNON
JOHN C. CASE
DAUPHIN V. CHILDS III
DAVID L. CHURCH
ARLEEN A. COATES
KAREN L. COCCIO
JEFFREY C. COGGIN
ALFONSO COLBOURNE
JOE L. COMBS, JR.
ROBERT S. CONFORTO
PETER L. CONNELLY
MICHAEL A. COOK
IVAN CORNIELLE
CARY M. COSTA
DAVID A. COZZIE
JERRY L. CRANDALL
QUENTIN K. CRANK
WILLIAM Y. CRAVEN
OSCAR K. CREASY II
JAMES H. CROSBY
THOMAS C. CROSS
FRANCIS J. CURTIS, JR.
MARK E. CUTTLE
TIMOTHY S. DAMICO
MARIO DAVILA, JR.
SCOTT J. DAVIS
ANTHONY H. DEMOLINA
JAY A. DESCAMPS
DEAN A. DISIBIO
PAUL G. DIXON
CHRISTOPHER C. DOLT
GEORGE A. DOMS
SYLVIA A. DRAYTON
JOHN M. DUGUAY
RICHARD S. DUKES
KIMO J. DUNN
JOSEPH P. EBERT
RAYMOND K. ELDERD III
ANTHONY J. ESCOTT
WILLIAM E. EVANS
INGA S. EWING
JOHN D. FARON
JOSEPH R. FAUCETT
RICHARD A. FAULKNER, JR.
KIRK M. FERNITZ
OTTO C. FIALA
MELVIN FLEMING
MICHAEL A. FOLEY
JAMES C. FREEMAN
JOHN P. FRYE
MARC A. GARCIA
RONALD J. GAUSE

SCOTT D. GEMELING
ROBERT A. GOLEY
PETER W. GOODRICH
NATHAN GORN
MARY E. GRAF
LEELA J. GRAY
EDITH M. GREENE
ENRIQUE M. GUERRA
STEPHEN J. HAGER
CHARLES D. HALE
DARWIN R. HALE, JR.
DWIGHT A. HALL
JOHN E. HALVORSON
JOHN H. HAMLETTE III
DAVID M. HAMMONS
ALVIN M. HARRIS
MOLLY R. HARRIS
WILLIAM T. HARRIS
SAMUEL C. HARTWELL
TERI A. HASSELL
GLENWOOD A. HENCE
KRISTAN L. HERICKS
PAUL F. HICKS, JR.
FRANK E. HIMSL
STEVEN C. HOLCOMB
ALPHONSO HOLT
RANDALL L. HORTON
DOUGLAS L. HOWELL
DAVID S. HOWEY
ERIK E. IMAJO
WILTON C. JACKSON
EDDIE C. JACOBSEN
THOMAS K. JARVIS
WILLIAM J. JEFFERSON
CARL D. JOHNSON
CHARLES E. JOHNSON
CRAIG M. JOHNSON
ERIC M. JOHNSON
PAULA Z. JONES
JEFFREY W. JURASEK
ANDREW R. KEIRN
JAMES J. KELLY
RICHARD D. KILLIAN
KI H. KIM
KENNETH E. KING
NICHOLAS E. KRUPA
STEVEN E. KUKLIN
JEFFREY J. KWIECINSKI
HAROLD H. KWON
GREGORY A. LAEMMRICH
LUCINDA H. LANE
JAMES P. LAVERY
JOHN P. LAWLOR
MARY M. LEE
MARY L. LEMASTERS
STUART K. LHOMMEDIEU
MARIO LIJOI
TERRY K. LINDSEY
DAVID W. LING
CHARLES T. LINVILLE
JOHN T. LISTERMANN
LOUIS F. LONG III
RAYMOND F. LOO
DANNY E. LOVELADY
PROFIT LUCY
STEVEN S. LYONS
DOUGLAS R. MACMILLAN
DANILO C. MAGPANTAY
PETER W. MALIK
LOLA M. MANN
NICK MASTROVITO
DAVID B. MATTHEW
PHILIP A. MAULDIN
DAVID A. MCCRACKEN
KATHLEEN A. MCDONNELL
JOHN F. MCFASSEL
ROBERT W. MCKENRICK
REGINALD L. MCKENZIE
DAVID J. MENEGON
TERRY R. MEYER
JAMES E. MILLER
VERNON M. MIRANDA
ROBIN C. MORALEZ
SCOTT R. MORCOMB
GREGORY J. MOSSER
PETER R. MUCCIARONE
KEITH P. NADIG
ANTHONY NAPLES
ANTHONY J. NEAVERTH
PETER F. NORSETH
JOSEPH L. OCONNELL
DALLAS P. OLSON
TANYA R. OLSON
KAREN OSSORIO
RICHARD W. PACIOUS
DANIEL M. PATTON
MICHAEL C. PEETERS
BRYAN G. PETERSON
JOHN D. PILOT
ROBERT W. PINCKARD
DARYL W. PING
MICHAEL F. PODRATSKY
CHRISTOPHER D. POKORNY
JAY R. POPEJOY
SHAWN D. POWELL
TIMOTHY S. PRESLEY
MARY K. PROPHIT
PATRICK D. QUENGA
JORGE QUINONES
DOUGLAS J. QUIVEY
JAMES E. RAMSEY
WILLIAM J. REILLY
BERNARD C. REINWALD, JR.
WILLIAM RENALDO
DIANE P. RICHIE
JANET E. RILEY
LUIS A. RIOS
NORMA E. RIVERA
WILLIAM L. ROBERTS III
CULEN K. ROBINSON
JONATHAN ROBINSON
MOLINEAUX ROBINSON
STEPHANIE A. ROGERS
DEAN J. RONDEAU
KARL E. ROSBOROUGH
PAUL C. ROSSER, JR.
SEWAPHORN K. ROVIRA
DOUGLAS H. RUDD
RODNEY A. RUSSO
STEPHEN M. RUTNER
ROBERT A. RYAN
GREGORY W. SACKMAN
HAROLD L. SAMS
JAMES A. SAMS
BERNARD SAMUEL, JR.
MICHAEL J. SCANTLING
LISA A. SCHIEFERSTEIN
THOMAS R. SCHOTT
DAVID A. SCHROEDER
KARL A. SCHWARTZ
GORDON A. SCOTT
GARRETT V. SCOTTMILLER
ANTHONY P. SCOTTO
LAUREEN G. SENDELGRANT
JANET A. SEUFERT
TEDDY T. SHELTON
GEOFFREY S. SHURE
KATHRYN A. SIVERLING
CURT N. SLICK
LARRY H. SMITH
GEORGE S. SOLOMON
PERRY N. SOSA
PABLO SOTORIVERA
CAMMIE L. SPENCE
ALAN K. STEMPEL
MARK S. STEVENS
THOMAS G. STICKNEY
CHRISTOPHER W. STOCKEL
KEVIN M. SULLIVAN
SCOTT R. SWANSON
STEVEN N. THOMAS
GREGORY I. THOMPSON
JOHN A. THOMPSON
HUNTER W. THRASHER
CHRISTOPHER H. TILLEY
LUIS E. TORRES
JANET E. TOWNLEY
TERESA A. TOWNSEND
CAMERONE L. TRENT
STEFANOS G. VENABLE
CHRISTINE L. VUSKALNS
JASON L. WALRATH
BENNY H. WALTERS
JON R. WALTERS, JR.
CHRISTOPHER L. WARNER
STEPHEN H. WARNOCK
RUSSELL H. WEBB
THOMAS P. WEIKERT
GREGG L. WESTERBERG
DAVID B. WHALING
JAMES R. WHITE
ROBERT A. WHITE
ANDREW W. WICHERS
VANESSA M. WILLIAMS
CATHERINE N. WILSON
MICHAEL L. WOJTA
BRIAN W. WOOD
BARBARA L. WOOTENJOYCE
MICHAEL M. YANAK
JOHN J. ZENKOVICH
LOREN T. ZWEIG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN G. FELTZ
MICHAEL R. KINNISON
SCOTT G. PERRY
CHRISTIAN F. REES
LOUIS W. WILHAM

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK G. PANICO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DANIEL J. TRAUB

To be commander

BRADLEY G. OLSEN

To be lieutenant commander

WAYNE M. BURR

THE JUDICIARY

CATHY BISSOON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. HARDIMAN, ELEVATED.

VINCENT L. BRICCETTI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE KIMBA M. WOOD, RETIRED.

ROY BALE DALTON, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HENRY LEE ADAMS, JR., RETIRED.

SARA LYNN DARROW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE FLORENCE-MARIE COOPER, DECEASED.

KEVIN HUNTER SHARP, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KARIN J. IMMERGUT, TERM EXPIRED.

ESTEBAN SOTO III, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN THOMAS CONBOY, RESIGNED.

EDWIN DONOVAN SLOANE, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE GEORGE BREFFNI WALSH, TERM EXPIRED.

JOSEPH CAMPBELL MOORE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE JAMES ANTHONY ROSE, TERM EXPIRED.

RUSSEL EDWIN BURGER, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE DENNIS CLUFF MERRILL, TERM EXPIRED.

CHARLES EDWARD ANDREWS, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE WILLIAM SMITH TAYLOR, TERM EXPIRED.

DARRELL JAMES BELL, OF MONTANA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE DWIGHT MACKAY, TERM EXPIRED.

WILLIAM BENEDICT BERGER, SR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE THOMAS DYSON HURLBURT, JR., TERM EXPIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 17, 2010 withdrawing from further Senate consideration the following nomination:

MARSHA TERNUS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 13, 2010.